



2024:UHC:8620

HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Misc. Application U/s 482 No. 827 of 2022

20 November, 2024

Paras Nath

--Petitioner

Versus

State of Uttarakhand & Anr.

--Respondents

Presence:-

Mr. Prakash Chandra, learned counsel for the petitioner through V.C.

Mr. G. S. Sandhu, learned Addl. A.G. along with Ms. Mamta Joshi,
learned Brief Holder for the State.

Mr. Hari Mohan Bhatia, learned counsel for respondent no.2.

Hon'ble Vivek Bharti Sharma, J.

This criminal petition has been filed by the petitioner/accused for quashing the impugned cognizance order dated 15.02.2022 passed by the A.C.J.M. Haridwar District Haridwar in Criminal Case No.82 of 2022, *State vs. Paras Nath*, under Sections 498A & 506 of IPC.

2. As per the FIR (*Annexure No.3*), the allegations leveled against the petitioner/accused are that on 31.05.2021 at about 1:00 PM the petitioner/accused beat respondent no.2/complainant and illegally detained her; that, when she tried to go to her parental home, the petitioner/accused mentally and physically tortured respondent no.2/complainant and did not allow to take her personal belongings i.e. Iphone 6, Iphone 11, stridhan and documents of the property in her name



along with her and tried to strangle her; that, thereafter, respondent no.2/complainant made call to the Police multiple times but the petitioner/accused misbehaved with respondent no.2/complainant even before the Police and thereafter called some of his known people and one of whom claimed to be a journalist and that person started making her video; that, when respondent no.2/complainant objected the same, the other relatives of the petitioner/accused started misbehaving and threatened her with dire consequences of killing her.

3. Learned counsel for the petitioners/accused would submit that the FIR has been lodged on concocted and fabricated facts.

4. Learned counsel for respondent no.2/complainant would submit that the petitioner/accused was directed by the Co-ordinate Bench of this Court to pay a sum of Rs. 1 lakh to respondent no.2/complainant, however, only Rs. 50,000/- has been paid by the petitioner/accused and the remaining amount of Rs.50,000/- has not been paid to the respondent no.2/complainant till date.

5. Per contra, Counsel for the State opposed the C-482 petition on the ground that it is frivolous and the same cannot be decided by the High Court at this stage.



6. Learned counsel for the State would submit that there are enough evidences against the petitioner/accused and the summoning order is based upon the evidence as placed in the charge sheet and hence, correct in the eyes of law.

He would further submit that the submission made by learned counsel for the petitioner/accused is misplaced; that, the FIR and the charge sheet are filed on the basis of facts along with the evidence that can only be appreciated at the stage of trial and cannot be decided by this Court under Section C482 of Cr.P.C.

7. The State has filed the counter affidavit along with statements of the witnesses and case diary.

8. On perusal of the record, the petitioner/accused has filed the opening page of the charge sheet as Annexure No.4 and summoning order dated 15.02.2022, however, the evidence collected by Investigating Officer has not been filed by the petitioner/accused.

9. It is trite that the power under Section 482 Cr.P.C. has to be exercised sparingly, carefully and with caution and only to prevent abuse of process of any Court or otherwise to secure ends of justice.



10. A two Judges bench of the Hon'ble Supreme Court in ***HMT Watches Limited Vs. M.A. Abida (2015) 11 SCC 776*** has held that inherent powers under Section 482 of the Cr.P.C. cannot be extended for determining question of facts, it is only for the trial Court to determine the disputed questions of fact after examining the evidence on record and interference by this Court with regards to factual questions is impermissible in law.

11. In the considered view of this Court, all the grounds taken in the present petition are matter of evidence which cannot be decided by this Court in this petition under Section 482 Cr.P.C.

12. In view of the discussions made above and law laid down by Hon'ble Apex Court, this Court is of the considered view that it is not a fit case in which the High Court should exercise its inherent jurisdiction under Section 482 of Cr.P.C.

13. Accordingly, present C482 petition lacks merits and the same is hereby dismissed *in limine*. Interim order, if any, stands vacated.

14. Let a copy of this order be sent forthwith to the court concerned for ensuring compliance.

(Vivek Bharti Sharma, J.)

20.11.2024

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