



2024:UHC:8136

HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Misc. Application U/s 482 No. 1188 of 2024

Raguvar Datt Sharma

.....Petitioner

Versus

State Of Uttarakhand and another

.....Respondents

Presence:-

Mr. R. P. Singh, Advocate for the petitioner/accused.

Mr. G.S. Sandhu, Additional Advocate General along with Ms. Mamta Joshi, Brief Holder for the State.

Mr. Rajendra Singh Azad, counsel for the respondent no.2.

Dated : 04.11.2024

Hon'ble Vivek Bharti Sharma, J. (Oral)

This petition is filed by the petitioner/accused to quash the Charge-Sheet No.01 of 2022 dated 09.10.2022, cognizance order dated 11.01.2023 as well as summoning order dated 24.02.2024 passed in Criminal Case No. 1053 of 2023 under Sections 420, 467, 468 & 120-B I.P.C. pending in the court of Judicial Magistrate/1st Civil Judge, Roorkee, District Haridwar.

2. Brief facts of the case are that an F.I.R. is lodged by the respondent no.2/complainant with the allegations that the complainant was running milk dairy; that, in the year 2013, the petitioner/accused was introduced to the respondent no.2/complainant by a person named Dinesh Tyagi S/o Hari Ram Tyagi who told the complainant that the petitioner/accused along with their friends Jagdish Sharma, Pathan Gull, Mohammad Khan s/o Sikandar Khan and wife of Prem Bahadur are working together and invest the money in share market and return it back to the investor by doubling the same; that, the respondent no.2/complainant gave ₹13 lacs to the petitioner/accused in front of the witnesses namely, Ravi S/o Mahak Singh and Sunil S/o Mahendra Singh and thereafter ₹3 lacs were



also given through *Gurukripa Adhyatmik Chetna Sansthan*; that, petitioner/accused gave a receipt of Indian Reserve Bank; that when the complainant went to bank for taking back his money, then, he came to know that the receipt given by the petitioner/accused was forged, then, the complainant lodged the F.I.R. against the petitioner/accused.

3. Counsel for the petitioner/accused would submit that the petitioner/accused is an old aged person; that, he has been falsely implicated in the instant crime; that, the grounds taken in the F.I.R. are false and frivolous; that, there is no evidence against the petitioner/accused to substantiate the involvement of the petitioner in commission of the alleged offence; that, the impugned summoning order is unsustainable in the eyes of law as the same is passed by the court below without applying its judicial mind, therefore, the entire proceedings of the case are liable to be quashed.

4. State counsel would submit that the charge-sheet was filed on 09.10.2022 on which cognizance was taken by the court below on 11.01.2023; that, despite repeated summons, the petitioner/accused was not appearing before the trial court, therefore, the non-bailable warrant has been issued against the petitioner/accused.

5. He would further submit that the name of the witnesses before whom the money was given has been specifically stated in the F.I.R. by the respondent no.2/complainant, therefore, there is no force in the arguments of the counsel for the petitioner/accused that there is no witness of the alleged crime; that, the grounds taken in the present petition are matter of evidence which can be considered only at the stage of trial on the basis of evidence led by the parties and cannot be considered by



6. In view of the discussion made above, prima-facie the FIR discloses commission of the cognizable offence by the petitioner/accused, thus this Court is not inclined to exercise the power under Section 482 Cr.P.C., therefore, the petitioner/accused is not entitled for any relief at this stage.

7. Accordingly, the present petition lacks merits and the same is hereby dismissed *in limine*.

8. The petitioner/accused is directed to appear before the court concerned on 13.11.2024 at 10.30 A.M..

9. There is no need to issue notice to the petitioner/accused for appearance and the counsel for the petitioner/accused shall inform the petitioner/accused about his appearance before the trial court on 13.11.2024 at 10.30 A.M.

10. Let a copy of this order be sent to the court concerned to do needful as per law.

(Vivek Bharti Sharma, J.)
04.11.2024

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