



HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Misc Application No. 750 of 2024

08 November, 2024

Pinky Alias Priyanka

--Petitioner

Versus

State Of Uttarakhand and others

--Respondents

Presence:-

Mr. M. K. Ray, learned counsel for the petitioner.

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

Hon'ble Vivek Bharti Sharma, J.

The defect pointed out by the Registry is overruled.

2. By means of present petition, petitioner seeks a direction to the opposite party No.1 to decide the Criminal Complaint Case No.380 of 2022, tilted as "*Smt. Pinky @ Priyanka Vs. Gautam Biswas and Others*", under Sections 498-A, 323, 504, 506, 406 of IPC and 3/4 of Dowry Prohibition Act, P.S. Sitarganj, District Udham Singh Nagar, pending before the court of learned Judicial Magistrate Sitarganj, District Udham Singh Nagar within a stipulated period.

3. Learned counsel for the petitioner would submit that the petitioner filed an application under Section 156(3) Cr.P.C before the court of Judicial Magistrate, Sitarganj, District Udham Singh Nagar for lodging the FIR against the private respondents in which the concerned court took the cognizance and on 30.07.2022 the application moved under Section 156 (3) Cr.P.C.



has been treated as complaint case; that, thereafter, various dates were fixed in the matter but till date the matter has not been decided. The grievance of the petitioner is that the respondents are lingering on the matter on one pretext or another which is causing mental agony as well as great hardship to the petitioner.

4. This Court is not oblivious of the fact that there is huge pendency and backlog of cases in every court and any direction for expeditious disposal will further overburden the court below. By issuing direction for expeditious disposal, one case cannot be prioritized over others.

5. Hon'ble Supreme Court in re ***"M. Gopalakrishnan and others vs. Pasumpon Muthuramalingam and another (2022) SCC Online SC 1968"*** has observed as follows:-

"..... ordinarily, before passing any such order for expeditious proceedings in a particular case (which might appear to be rather of innocuous nature), it would be appropriate for the higher Court to appreciate that any such order for one case, without cogent and extremely compelling reasons, might upset the calendar and schedule of the subordinate Court; might result in assigning an unwarranted priority to that particular case over and above other cases pending in that Court; and progression of such other cases might suffer for no reason and none of the faults of the litigants involved therein."

6. Recently also, a Constitution Bench of Hon'ble Supreme Court in re ***"High Court Bar Association, Allahabad vs. State of U.P. & Ors. in Criminal Appeal No.3589 of 2023 with Special Leave Petition (Crl.) nos.13284-13289 of 2023 and Criminal Appeal"***, has observed that:-

"Constitutional Courts, in the ordinary course, should



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refrain from fixing a timebound schedule for the disposal of cases pending before any other Courts. Constitutional Courts may issue directions for the time-bound disposal of cases only in exceptional circumstances. The issue of prioritizing the disposal of cases should be best left to the decision of the concerned Courts where the cases are pending”.

7. In the light of aforesaid, this Court refrain itself from issuing any direction to the court concerned for expeditious disposal of the case in a time bound manner.

8. However, it goes without saying that it is the bounden duty of every court to make every possible endeavour to decide the proceedings at the earliest without any undue delay and if there is any statutory period fixed to conclude a trial then every effort should be made to ensure the same.

9. With the above observations, petition stands dismissed *in limine*.

(Vivek Bharti Sharma, J.)

08.11.2024

BS

BALWANT SINGH