



2024:UHC:8785

HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Misc Application No. 767 of 2024

26 November, 2024

Devi Prasad Juyal

--Petitioner

Versus

State of Uttarakhand and another

--Respondents

Presence:-

Mr. Pramod Kumar, proxy counsel for Mr. Raj Kumar Singh, Advocate for the petitioner.

Mr. Pratiroop Pandey, learned Assistant Government Advocate for the State.

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

This C528 petition is filed for quashing charge sheet dated 23.01.2023 (*Annexure No.3 to the petition*) as well as cognizance/ summoning order dated 26.06.2024 (*Annexure No.4*) passed by Chief Judicial Magistrate, District-Dehradun in Criminal Case No.5079 of 2024 '*State of Uttarakhand Vs. D.P. Juyal and others*' for the offences punishable under Sections 120-B, 420, 468 of IPC, P.S. - Prem Nagar, District Dehradun as well as to stay the entire proceedings of the aforesaid criminal case.

2. Brief facts of the case are that respondent no.2/complainant lodged FIR No.122 of 2022 under Sections 420, 120-B and 468 of I.P.C.(*as the Penal Code then was*) at Police Station Prem Nagar, District Dehradun (*Annexure No.1 to the petition*) against the



petitioner/accused and others alleging therein that respondent no.2 and her husband are known to the present petitioner/accused; that, the petitioner/accused told respondent no.2/complainant and her husband that he can arrange government employment for the persons who are desirous of it, upon which respondent no.2/complainant recommended name of her cousin brother for the job for which respondent no.2 gave Rs.1,88,500/- to the petitioner /accused on various dates through different modes; that, when the government job could not be arranged, then the petitioner /accused returned Rs.1,35,000/- to respondent no.2/complainant in the year 2019.

3. Thereafter, the present petitioner /accused arranged meeting of respondent no.2/complainant and her cousin brothers with other co-accused persons, who gave assurance that they will provide them employment in the government sector; that, in order to ensure a job for her daughter respondent no.2/complainant gave Rs.18,00,000/- to co-accused Bharti Adhikari and Shefali Adhikari and they neither returned the money nor provided the job, therefore, respondent no.2/complainant was duped and cheated.

4. Counsel for the petitioner/accused would submit that the petitioner /accused has returned all the



money which he had received in his account; that, this amount was taken by the petitioner/accused as a loan from respondent no.2/ complainant for treatment of his daughter; that, the FIR clearly reveals that respondent no.2/complainant did not mention on which date and time she had given money to the petitioner/accused, hence, the entire prosecution story seems to be false and fabricated; that, the petitioner /accused is senior citizen aged about 60 years old and is suffering from various ailments, who has never cheated respondent no.2/complainant; that, the FIR has been lodged by respondent no.2/complainant to settle her personal score and grudge; that, petitioner /accused never prepared any forged document neither he is involved in any criminal conspiracy and no offence under Sections 120-B, 420 and 468 of IPC is made out against the present petitioner/accused.

5. Counsel for the State would vehemently oppose this petition on the ground that it is clear case of cheating; that, the story is concocted by the petitioner /accused as the petitioner /accused was already employed in the government job earning enough, therefore, there would not have been any need for him to take loan of a meagre amount from respondent no.2/complainant.

6. Counsel for the State would further submit that



8. In view of the above, this Court is not inclined to interfere in the impugned order. Accordingly, present C528 petition lacks merits and the same is hereby dismissed *in limine*.

SS

Digitally signed by SUKHBANT SINGH
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