



HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Misc Application No. 940 of 2024

30 December, 2024

Meenakshi Rajput

--Applicant

Versus

State Of Uttarakhand & another

--Respondents

Presence:-

Ms. Shumayla Zafri, learned counsel along with Ms. Lubhna Jahan, learned counsel for the applicant.
Mr. B.C. Joshi, learned AGA for the State.

Hon'ble Pankaj Purohit, J.

Heard learned counsel for the parties.

2. By means of the present application filed under Section C528 of the BNSS, 2023, applicant has prayed to quash the summoning order dated 25.07.2024, bailable warrants dated 28.11.2024 issued in Criminal Case No.41 of 2024, State vs. Meenakshi, pending in the court of learned Judicial Magistrate, Chakrata, Dehradun.

3. The facts in nutshell are that an application under Section 156(3) Cr.P.C. was moved by respondent no.2 before the court of Judicial Magistrate, Chakrata, Dehradun stating therein that he was having a dispute with his wife/applicant, due to which, the applicant along with her parents and two other persons tried to commit *marpeet* with the informant and also tried to kill



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him, but on the alarm raised by the public at large, they ran away. In the FIR, the occurrence is of 07.04.2023 at 06:30 p.m. has been mentioned wherein it is stated that the applicant along with one other lady entered into the house of informant and broke away the articles kept inside and attacked with a sharp edged weapon, due to which, the hand of informant was cut. On that application, the directions for investigation were passed. The matter was accordingly investigated and a charge-sheet was submitted against the applicant under Sections 323, 504 & 506 IPC, whereupon the court of Judicial Magistrate, Chakrata has taken the cognizance and summoned the accused to face the trial. Challenging the entire proceedings, applicant is before this Court.

4. I have heard learned counsel for the parties and carefully perused the entire documents available on record.

5. Learned counsel for the applicant submits that the allegations leveled against the applicant are baseless. No such occurrence has actually taken place and it is a fit case where the Court should intervene in the matter.

6. On the other hand, learned State Counsel submits that it is a serious matter wherein the respondent no.2/informant has sustained injuries at the hands of applicant and one other person. Even the witnesses examined under Section 161 Cr.P.C. have supported the occurrence.

7. From the papers available on record, it is ample clear that the allegations have been leveled against the applicant and on the basis of the statements of witnesses named in the charge-sheet recorded under



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Section 161 Cr.P.C., the occurrence has been supported against the applicant. The trial court on the basis of alleged documents and documentary evidence has *prima facie* found it a fit case to summon the applicant to face the trial.

8. In my opinion, it is a disputed question of fact whether any such occurrence has taken place or not. The truth of the matter can only be examined after the evidence is led by the witnesses before the trial court. This Court is not supposed to embark upon the inquiry in order to justify the veracity of witnesses. No interference is warranted at this stage. Accordingly, the C528 application is hereby dismissed.

9. Pending application, if any, stands disposed of accordingly.

(Pankaj Purohit, J.)
30.12.2024

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