



2025:UHC:3750

HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Misc Application No. 615 of 2025

09 May, 2025

Ali Ahamad

--Petitioner

Versus

State of Uttarakhand and another

--Respondents

Presence:-

Mr. Amit Kapri, Advocate for the petitioner.

Mr. Deepak Bisht, learned Deputy Advocate General for the State.

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

This C528 petition is filed with the prayer to quash and set aside the charge-sheet dated 11.10.2024 as well as summoning order dated 20.12.2024 passed by the learned Special Judge(SC/ST Act)/ Session Judge, Rudrapur, District Udham Singh Nagar in Special Session Trial No.939/2024, "*State Vs. Ali Ahmad*" under Section 504, 332 of IPC and under Section 3(1)(r) of Scheduled Castes and Scheduled Tribes (*Prevention of Atrocities*) Amendment Act, 1989, Case Crime No.123 of 2024, Thana Pantnagar, District Udham Singh Nagar.

2. Learned counsel for the petitioner /accused would submit that FIR No.123 of 2024 was registered against the petitioner /accused under Section 3(1)(r) of Scheduled Castes and Scheduled Tribes (*Prevention of Atrocities*) Amendment Act, 1989; that, in the FIR (*Annexure No.1 to the petition*) there is no allegation as to what were the words used to humiliate the complainant on the basis of his caste and there is no mention of the date and time of the alleged incident; that, it is also not stated in the FIR whether the alleged insult was made in the public view or not.



3. Per contra, learned counsel for the State would submit that petitioner has designedly not filed the statements of witnesses forming part of the charge-sheet; that, only report under Section 193 of B.N.S.S. has been filed.

4. Perused the record in view of the submission made by learned counsel for the parties.

5. At the very inception, it would be pertinent to observe that the FIR is not supposed to contain all the evidences and minute details of the offence, as the same is not an encyclopedia. The reliance placed on FIR is also misplaced. Moreover, the petitioner/accused has not filed the evidences i.e. statements of witnesses and documentary evidences forming part of the charge-sheet. The petitioner /accused is trying to simplify the things and trivialise the offence by merely filing report under Section 193 of B.N.S.S. It is important to observe that the report under Section 193 of B.N.S.S. is only the gist of charge-sheet in the words of Investigating Officer. The evidences means the statement of witnesses and the documentary evidence collected during investigation, filed along with report under Section 193 of B.N.S.S.

6. Moreover, submissions made by learned counsel for the petitioner /accused are subject matter of the trial that cannot be considered at this stage by this Court by invoking its inherent powers under Section 528 of B.N.S.S.

7. On perusal of the entire material available on record, this Court does not find any manifest error in impugned summoning order dated 20.12.2024 passed by the learned Special Judge(SC/ST Act)/ Session Judge, Rudrapur, District Udham Singh Nagar in Special Session Trial No.939/2024, "State Vs. Ali Ahmad" under



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Section 504, 332 of IPC and under Section 3(1)(r) of Scheduled Castes and Scheduled Tribes (*Prevention of Atrocities*) Amendment Act, 1989, Case Crime No.123 of 2024, Thana Pantnagar, District Udham Singh Nagar.

8. Accordingly, this Court is of the opinion that it is not a fit case in which the High Court should invoke its inherent jurisdiction under Section 528 of B.N.S.S. Accordingly, this petition is dismissed *in limine*.

9. A copy of this order be sent to the Trial Court concerned for information.

(Vivek Bharti Sharma, J.)

09.05.2025

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