



2025:UHC:4039

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			C-528 No. 656 of 2025 <u>Hon'ble Vivek Bharti Sharma, J.</u> Mr. Vinod Nautiyal, learned counsel for the petitioner appeared through V.C. 2. Mr. Deepak Bisht, learned D.A.G. for the State. 3. This criminal misc. application is filed under Section 528 of B.N.S.S. by the petitioner/accused for quashing of the impugned order dated 20.02.2025 passed by the learned Judicial Magistrate, Roorkee, District Haridwar, whereby the NBW were issued against the present petitioner in Criminal Case No.857 of 2023, titled as "<i>State vs. Amit Chauhan & Others</i>" under Section 504 & 506 and 83 of Cr.P.C. and stay the entire proceedings of above criminal case number under Sections 504 & 506 of IPC. 4. Learned counsel for the petitioner/accused would submit that not only the non-bailable warrants were issued on 20.02.2025 but also the proceedings under Section 82 & 83 have also been done because of non-appearance of the petitioner/accused. 5. Learned State counsel would vehemently oppose the submission made by the counsel for the petitioner/accused and would submit that this is the interlocutory order of such kind which can always be addressed by making appropriate application before the Magistrate/trial court concerned. He would further submit that this is pernicious tendency on the part of the litigants that if non-bailable warrants are issued instead of approaching the trial court concerned for cancellation of non-bailable warrant, he files the petition under Section 528 of B.N.S.S. and previously under Section 482 of Cr.P.C.



		6. Heard, considered and perused the record available on file in view of the submissions made by learned counsel for the respective parties. 7. This Court is of the view that the present petition for cancellation of the non-bailable warrants before the Hon'ble High Court by invoking the inherent jurisdiction of the High Court under Section 528 of B.N.S.S. is not healthy practice as the same can be cancelled by the trial court, if the application is made by the petitioner. 8. At this stage, learned counsel for the petitioner/accused seeks permission to withdraw the petition with liberty to move appropriate application for cancellation of the non-bailable warrants. 9. Not objected to by learned State counsel. 10. Accordingly, the present petition is dismissed as withdrawn with liberty to the petitioner/accused to move appropriate application for cancellation of the non-bailable warrants and to extinguish the proceedings under Section 82 & 83 of Cr.P.C. If such application is made by the petitioner/accused within three days, then the trial court concerned is directed to decide the same, as per law. 11. The petitioner/accused shall not be arrested till the decision of the application, if filed within stipulated time. 12. Copy of this order be sent to the trial court concerned by email. (Vivek Bharti Sharma, J.) 16.05.2025 Akash
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