



2025:UHC:4708

HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Misc Application No. 690 of 2025

09 June, 2025

Kishanchand Sharma

--Petitioner

Versus

State of Uttarakhand & Another

--Respondents

Presence:-

Mr. Sagar Kothari, learned counsel for the petitioner.

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

Hon'ble Vivek Bharti Sharma, J.

This is the criminal misc. application filed by the petitioner/complainant under Section 528 of B.N.S.S. to expedite the proceedings of Criminal Case No. 356 of 2023 '*State vs. Smt. Arunima*' pending in the court of learned Chief Judicial Magistrate, Dehradun.

2. Learned counsel for the petitioner would submit that petitioner is a senior citizen aged about 75 years and is the father-in-law of respondent no.2; that, respondent no.2 has harassed the petitioner and has committed cruelty against the petitioner and his family members.

He would further submit that the petitioner was constrained to file a complaint (*registered as N.C.R. No.04 of 2022*) before the concerned police station; that,



on the said report, investigation was conducted and charge-sheet dated 10.12.2022 was submitted against the respondent no.2 under Section 504 of IPC.

3. Learned counsel for the petitioner would further submit that learned CJM, Dehradun vide order dated 12.01.2023 took cognizance and summoned the respondent no.2 to face the trial for commission of offence under Section 504 of IPC.

He would further submit that respondent no.2 is not appearing before the trial court concerned and is not contesting the matter.

4. Learned counsel for the petitioner would submit that the proceedings under Section 504 of IPC are summary in nature and therefore, the same have to be decided as expeditiously as possible, but the aforementioned matter has been pending since 2023 and the same is abuse of process of law.

5. Learned State counsel would submit that the proceedings of the case were stayed till 2024 by the order of the Hon'ble Supreme Court; that, the power given under Section 283 of B.N.S.S. to try an offence under Section 504 of IPC summarily is discretionary in nature only to be exercised by the Magistrate where he deems fit.



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6. This Court is very much aware of the above referred statutory provision enshrined u/s 283 of B.N.S.S. but at the same time this Court cannot be oblivious of the fact that there is huge pendency and backlog of cases in courts and any such direction for the expeditious disposal of the case will further overburden the court below.

7. In the light of aforesaid, this Court refrains itself from fixing any time frame for the court concerned for expeditious disposal of the case.

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.

8. With the above observation, petition stands disposed of.

(Vivek Bharti Sharma, J.)

09.06.2025

Akash