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HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Misc Application No. 746 of 2025

11 June, 2025

Madhu Kohli

--Petitioner

Versus

State of Uttarakhand & Another

--Respondents

Presence:-

Mr. Akram Parvez, learned counsel for the petitioner.

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

Hon'ble Vivek Bharti Sharma, J.

This criminal misc. application is filed under Section 528 of B.N.S.S. by the petitioner/accused for quashing of the charge-sheet dated 24.01.2024 and summoning order dated 26.04.2025 passed by learned Judicial Magistrate, Barkot, District Uttarkashi in Criminal Case No.139 of 2024 titled as "*State vs. Madhu Kohli*" under Sections 120-B, 406, 420, 467, 468 & 471 of IPC with regard to F.I.R. No.67 of 2021.

2. Learned counsel for the petitioner/accused would submit that petitioner/accused in the year 2017 started a proprietorship firm in the name of "*Holiday Huts*" in India and thereafter, due to selection for the post of Admin Manager in private firm in Dubai, she relocated to Dubai in the year 2018 and appointed *Mr.*



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Praveen Singh Gusain as Project Manager on certain terms and conditions through a general power of attorney; that, surprisingly, the petitioner received an email from Chandigarh Passport Office on 27.12.2022 ordering the seizure of her passport digitally; that, when the petitioner inquired about the same, it was revealed that a case has been registered against petitioner by S.T.F. Unit, Dehradun of Uttarakhand Police under Crime No.392 of 2021 under Section 420, 406, 467, 468, 471 & 120 of IPC at P.S. Vikas Nagar, Dehradun and action has been taken by S.T.F. Unit, Dehradun to seize her passport, therefore, the petitioner is not able to come back.

He would further submit that *Mr. Praveen Singh Gusain* misused her position and made financial fraud in the name of the business; that, petitioner/accused has got the anticipatory bail in some other case under Section 392 of IPC.

3. Learned State counsel would vehemently oppose the submissions made by learned counsel for the petitioner/accused for the reason that the petitioner/accused is not only absconding but she has made her permanent residence abroad in Dubai and she did not cooperate with the investigation.



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He would further submit that even the petitioner/accused got the anticipatory bail not by herself but through her attorney and now after evading the process of law, petitioner/accused approaches this Court for quashing the criminal proceedings on the ground that other accused/persons have been acquitted which cannot be a ground available to her because the evidences against her are different, substantive and independent.

4. It is trite that the powers under Section 528 B.N.S.S. have to be exercised sparingly, carefully and with caution and only to prevent abuse of process of any Court or otherwise to secure ends of justice.

5. Having considered the submissions of the counsel for the parties and after going through the record available on file, this Court is of the considered view 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.

6. Accordingly, the present C-528 petition is hereby dismissed *in limine*.

(Vivek Bharti Sharma, J.)
11.06.2025

Akash