



IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Special Leave to Appeal No.49 of 2025
Criminal Appeal No.125 of 2025

Jeevan Arya. Appellant.

Versus

Neeraj Singh Adhikari. Respondent.

Present:

Mr. Shaurya Mahara, learned counsel holding brief of Mr. A.K. Sah, learned counsel for the appellant.

Mr. Amanjot Singh Chadha, learned counsel for the respondent.

Hon'ble Mr. Justice Rakesh Thapliyal, J.

1. The appellant, herein, preferred the instant leave to appeal against the judgment and order dated 15.02.2025, passed by the learned Judicial Magistrate, Haldwani, in Criminal Case No.1847 of 2025, "Jeevan Arya Vs. Neeraj Singh Adhikari", whereby the Trial Court has acquitted the respondent from the charges under Section 504 and 506 of IPC.

2. The brief facts of the case are that on 05.02.2023, an incident was occurred, wherein, the respondent intimidated and intentionally insulted the appellant using filthy abusive language with an intent to provoke a breach of peace, for which he moved an application under Section 156 (3) of CrPC, for registration of the FIR, however, the concerned Court converted into a complaint case. The appellant herein was examined under Section 200 of CrPC and the key witnesses, namely, Pani Ram Arya and Jeevan Chandra Pandey, were examined as CW-1 and CW-2 respectively under Section 202 of CrPC, and thereafter, the Trial Court summoned the respondent to face the trial for the offences punishable under Sections 504 and 506 of IPC, and the respondent surrendered and was enlarged on bail.

3. In Trial Court proceedings, charges were framed on 04.04.2024 and the respondent denied the charges and claim trial and from the side of the complainant, four witnesses were examined. The witnesses were further examined under Section 246 of CrPC, and the accused statement was also recorded under Section 311 of CrPC. The Trial Court acquitted the respondent from the charges by observing that the root cause is a property dispute, since the respondent claims ownership on a house, which he has occupied and demanded Rupees Two Lakh, from the appellant. Conversely, the appellant maintains that his mother purchased the land and built the house. Following a complaint regarding this, Police initiated preventive measures by initiating the proceedings under Sections 107 and 116 read with Section 116 (3) of CrPC, due to an apprehension of breach of peace and this proceeding remains pending in the court of Sub Divisional Magistrate, Naintial.

4. The instant appeal has been preferred by the appellant on the ground that the Trial Court passed the order acquitting the respondent, which is based upon the conjectures, ignoring the consistent corroborated testimonials of PW1, PW2, PW3 and PW4.

5. It is argued by the learned counsel for the appellant that the Trial Court erred by accepting the defence plea that preventive steps under Section 107 and 116 of CrPC, has already been taken, therefore, no any such crime was occurred on 05.02.2023. He submits that preventive measures as taken by the Police confirms of ongoing threat and active hostility and it does not absolve past criminal acts of insult and intimidation. He further submits that the Trial Court record establishes that the respondent used highly abusive and threatening words and satisfying all the statutory

ingredients for constituting the offences punishable under Sections 504 and 506 of IPC.

6. After gone through with the judgment, I do not find any perversity and illegality, particularly when, the dispute appears to be relating to an apprehension of breach of peace and they were *challaned* under Sections 107 and 116 of CrPC, which itself reveals that the proceedings as initiated by the appellant is nothing but counter blast to the proceedings initiated by the Police under Section 107 and 116 of CrPC.

7. It is well established that in an appeal against an order of acquittal, the Appellate Court will not interfere in the view taken by the Trial Court is a plausible one. The trial court correctly observed that since the Police merely initiated a preventive measure on an apprehension of breach of peace, no automatic criminal inference of intentional insult or criminal intimidation can be drawn against respondent in the absence of independent, corroborative evidence. Consequently, the application for grant of leave to appeal is dismissed, and the impugned judgment of acquittal passed by the Trial Court is hereby upheld.

8. Registry is directed to return the Trial Court Record along with the copy of this judgment forthwith.

(Rakesh Thapliyal, J.)

29.06.2026

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