

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS UKHC010134732026  2026:UHC:6895
			<u>UKHC010134732026</u> <u>C528/1664/2026</u> Shahzad --Applicant Versus State of Uttarakhand & another--Respondents <u>Hon'ble Rakesh Thapliyal, J.</u> Mr. Pankaj Semwal, learned counsel for the applicant. 2. Ms. Meenakshi Sharma, learned AGA for the State of Uttarakhand/1. 3. Mr. Harshwardhan Dhanik, learned counsel for the respondent no.2. 4. By the instant petition preferred under Section 528 of BNSS, 2023, the present applicant - Shahzad S/o Nayeem R/o Village Badedi Rajputan, Bahadrabad, District Haridwar, is challenging the entire proceedings of Criminal Case No.1824 of 2024, "State Vs. Shahzad and others", arising out of FIR dated 06.01.2022 bearing FIR No.0017 of 2022, wherein, as many as four persons have been implicated for the offences punishable under Sections 323, 325, 504 and 506 of IPC, and the Trial Court took cognizance against all of them, namely, Shahzad S/o Nayeem, Aarif, Imran and Minna. 5. The instant petition is moved on the ground that the FIR has been lodged with an inordinate delay of six days', but there is no explanation for delay in the FIR and the entire family has been implicated due to rivalry, but what is the rivalry, the same has not been disclosed. It is submitted by the learned counsel for the applicant that though the FIR alleges that deadly and sharp and heavy weapons have been used in the commission of crime by causing injury on the most vital part of the body i.e. head, though as per the AIIMS report no significant abnormality detected. He further submits that the injury fails to corroborate by

		which weapons the injury was caused, and furthermore the incident took place in a highly dense populated area surrounded by commercial establishment but there is no any CCTV footages about the alleged incident and chargesheet has been filed in a very mechanical manner and the Trial Court took cognizance without examining the material on record. 6. In paragraph 18, a specific averment is made that the applicant is a peaceful, law abiding citizen with clean antecedents and has no criminal history. 7. On the previous date, the State was directed to get the instructions and today Ms. Meenakshi Sharma, learned AGA placed before this Court the written instructions, and this Court is really surprised to know that the present applicant is indulged in criminal activities since 2018 in District Haridwar as well as also in Chandigarh and District Saharanpur of State of Uttar Pradesh. There are as many as 13 cases against him, but surprisingly in paragraph 18 wrong statement has been given that the applicant have no criminal history. 8. It is submitted by the learned AGA that present applicant has deliberately suppressed about his criminal antecedents though as a matter of fact as many as there are 13 cases against the present applicant and the detail of case history reveals that he is indulged in criminal activities since 2018. 9. So far as merit of the present case is concerned, learned AGA argued that the injuries are danger to life and caused on most vital part of the body of the injured, and there are sufficient evidences with regard to involvement of the present applicant. She further argued that all the factual aspects as elaborated in the petition are completely the subject matter of trial and on such factual aspects, the entire proceedings cannot be quashed. She further submits that the offence is serious and also heinous since the injured persons were brutally beaten and it is case of grievous hurt on most vital part of the body of the injured. 10. On the other side, Mr. Harshvardhan Dhanik, who appears for the complainant, submits in reference to delay in lodging the FIR also submits that at the time of incident, the injured was unconscious and
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		thereafter after getting the treatment, he has reported to the Police about the incident. Apart from this, he submits that the injuries are grievous in nature and danger to life, and submissions as advanced by the learned counsel for the applicant are the factual aspects on the basis of which, proceedings cannot be quashed since all these are the subject matter of trial, and furthermore he also submits that the applicant have a criminal antecedents of 13 cases and since long back he is indulged in the criminal activities in Haridwar as well as in other part of the surrounding State, therefore, the proceedings cannot be quashed. 11. After hearing the submissions of the learned counsel for the parties, and taking into account that firstly the applicant have not approached with clean hands and he has deliberately suppressed about his criminal antecedents, and furthermore the FIR relates to a heinous offence and after collecting all credible evidences, the chargesheet has been filed which itself discloses the cognizable offences, therefore, at this juncture, when the trial is going on, there is no any question for quashing of the Trial Court proceedings, which is completely the prerogative of the Trial Court to examine the credibility of the evidence during trial. 12. Since the applicant have suppressed about his criminal antecedents in this petition, therefore, the petition is dismissed also with the cost of Rs.20,000/-. The applicant – Shahzad, shall deposit the said cost in the Advocates’ Welfare Fund positively within one month and the receipt be filed in the Registry on expiry of the aforesaid period. 13. Subject to the observation and direction as above, instant petition is dismissed being devoid of merit. (Rakesh Thapliyal, J.) 05.08.2026 Nitesh/
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