

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>UKHC010156192022</u> <u>C482/1940/2022</u> Vikas (minor) Below 18 Years and Another --Applicants Versus State Of Uttarakhand and Another --Respondents <u>Hon'ble Siddhartha Sah, J.</u> Mr. Deep Chandra Joshi,, learned counsel for the applicant. Mr. G.S. Sandhu, learned AAG with Mr. Deepak Bhardwaj, learned Brief Holder for the State. Mr. Shivam Sharma, learned counsel for the respondent no.2 through video conferencing. 2. By means of the present application under Section 482 of Cr.P.C., the applicants have sought quashing of the order dated 20.09.2022 passed by the learned VIIth Additional Sessions Judge, Dehradun in Criminal Revision No. 36 of 2022, 'Smt. Preeti vs. State of Uttarakhand, and others', whereby the revision filed by respondent no. 2 has been allowed and has set aside the order dated 05.02.2022, whereby the application filed under Section 156(3) of Cr.P.C. has been rejected.

		3. Learned counsel for the applicants would submit that the impugned judgment and order does not take into consideration the report of Thana Raipur, District Dehradun, wherein it has been stated by the S.I. Prem Singh Negi of Thana Raipur, District Dehradun, that the allegations as levelled in the application under Section 156(3) of Cr.P.C. are baseless, and prime facie, no offence is made out against the accused persons, and an attempt is being made to rope in the opposite parties in a case of molestation of a lady. It is also stated that the incident as has been alleged has not occurred. Therefore, it does not appear that any proceedings may be taken on the application of the applicant and the application has been filed for creating pressure and deserves to be dismissed. 4. Per contra, learned counsel for the respondents would submit that the judgment and order dated 20th of September 2022 passed by the VIIth Additional Sessions Judge, Dehradun, which is impugned in the present Criminal Misc. Application under Section 482 of Cr.P.C. is a simpliciter remand order and no order on merit has been passed against the applicants, which may prejudice their rights and as such, there is no scope for interference in this application under
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		Section 482 of the Cr.P.C. 5. After hearing the learned counsel for the parties and after going through the record, it is clear that the Revisional order has set aside the order dated 05.02.2022 passed by the ACJM / VIth Additional Civil Judge (Senior Division), Dehradun, primarily on the premise that the application under Section 156(3) of the Cr.P.C. was found by the said court to be a matter of civil nature, and had proceeded to reject the said application under Section 156(3) Cr.P.C. on the said premise. 6. The Revisional Court has only observed that the matter does not appear to be of civil nature, but appears to be of criminal nature, and therefore, the court below has committed an error in rejecting the application of the applicants under Section 156(3) of the Cr.P.C. 7. Perusal of the impugned Revisional order reveals that it is a simpliciter remand order, and there is no order which may prejudice the rights of the applicants, and still an order has to be passed on its own merit after remand by learned ACJM. 8. In such view of the matter, it is not a case where powers under Section 482 of the Cr.P.C. can be invoked to set aside the order dated 20.09.2022 impugned in this Criminal Miscellaneous Application.
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			9. The present Criminal Miscellaneous Application under Section 482 of the Cr.P.C. deserves to be dismissed, however, the learned ACJM / 6th Additional Civil Judge (Senior Division) shall not be influenced by any observations made in the impugned judgment and order dated 20.09.2022 passed by the VIIth Additional Sessions Judge, Dehradun while deciding the application under Section 156(3) of the Cr.P.C., and the application under Section 156(3) Cr.P.C. shall be decided on its own merit on the basis of the record before the said court. 10. With the said observations, the present Criminal Miscellaneous Application under Section 482 of Cr.P.C. is hereby dismissed. (Siddhartha Sah, J.) 23-07-2026 JKJ/
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