



HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Misc. Application No.308 of 2024

Ishan Singh & other

--Applicants

Versus

State of Uttarakhand & another

--Respondents

Presence:-

Ms. Abhilasha Tomar, learned counsel holding brief of Mr. Sandeep Kothari, learned counsel for the applicants.

Mr. Bhaskar Chandra Joshi, learned AGA for the State.

Hon'ble Pankaj Purohit, J.

1. By means of the present C482 application the applicants have challenged the Charge Sheet No.238 of 2022 and summoning order dated 04.01.2024 passed by the Judicial Magistrate/Civil Judge, Laksar, District Haridwar in Criminal Case No.02 of 2024 State vs. Ishan Singh and others, under Section 323, 504 & 506 of IPC.

2. Heard learned counsel for the parties.

3. An FIR was lodged against the applicants with the averments that the when complainant was returning from the court to his village Lalchand Wala on 14.10.2022 at 06.00 pm, on the way before the village, Isam son of Bisambar, Ajay, son Isam Singh and Vikal son Isam of the same village were destroying the sugarcane crop grown in the complainant's field with their animals. When the complainant stopped them from doing so, they got furious and unanimously



started abusing and beating him with sticks. In between Naseem son of Maqsood and Shubham son of Bachan Singh etc. of the village, who were passing from there, rescued him with great difficulty from the applicants. While leaving, they threatened him with life. A cross FIR was also lodged by the applicants against the complainant.

4. A charge sheet was submitted under Sections 323, 504 and 506 of IPC in which cognizance was taken by learned Magistrate and applicants were summoned to face trial.

5. Learned counsel for the applicants submits that the cognizance order has been passed in a routine and mechanical manner overlooking the aspect that first information report is a counter blast to the first information report lodged by applicant no.1. She further submits that on the basis of the parameters set out in paragraph 102 of the Bhajan Lal's case, all the proceedings initiated against the applicants are liable to be quashed.

6. Per contra, learned State counsel submitted that first information report was lodged against the applicants, which made out cognizable offence against them prima facie and after due investigation the charge sheet was also submitted. Thus no case is made out to interfere with in between. The applicants should face the trial and the truthfulness of the complainant's version would be proved only during trial after recording of the evidence of prosecution witnesses.



2024:UHC:9247

7. Having heard learned counsel for the applicants as well as learned State Counsel, this Court does not find any good ground to interfere. Accordingly, the C482 application is dismissed.

(Pankaj Purohit, J.)
09.12.2024

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