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HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Misc. Application U/s 482 No. 777 of 2023

11 June, 2025

Satya Pal Singh

--Applicant

Versus

State Of Uttarakhand and Ors.

--Respondents

Presence:-

Mr. Bilal Ahmed, learned counsel for applicant.

Mr. S.S. Chauhan, learned D.A.G. with Mr. Vikas Uniyal, learned Brief Holder for the State of Uttarakhand/respondent No.1.

Hon'ble Pankaj Purohit, J. (Oral)

Heard learned counsel for the parties.

2. By means of the present C482 application, the applicant has put to challenge the impugned order dated 03.12.2022 passed by the learned Additional Chief Judicial Magistrate, Laksar, District Haridwar in Miscellaneous Criminal Application No.252 of 2022 *Satyapal Singh Vs. Ravindera and others*, whereby, the application of applicant under Section 156(3) of Cr.P.C. was dismissed as well as the order dated 06.04.2023 passed by the learned Additional Sessions Judge, Laksar, District Hariddwar in Criminal Revision No.06 of 2022 *Satyapal Singh vs. State of Uttarakhand and others*, whereby, the said revision was dismissed.

3. The present C482 application was filed on 16.04.2023 and since then, even notices have not been issued to respondent Nos.2 to 4.



4. The facts in nutshell are that the applicant moved an application under Section 156(3) Cr.P.C. dated 20.09.2022 stating therein that he had a Maruti Car Brezza Vitara SUV Model 2019 registered as Registration No.UK08AW3853. That car was used and returned back several times by his relatives/private respondents. Private respondents on 27.02.2022 too asked the applicant to lend his car for 15 days, but after the lapse of that period, they did not return the car and threatened the applicant with dire consequences. Applicant informed the local police, but the police did not take any action against these people. After this, an application was sent by the applicant to SSP, Haridwar, by registered post, but, no action was taken. Thus, the applicant was compelled to submit the above application under Section 156(3) Cr.P.C before the learned ACJM, Laksar. Thereafter, learned Magistrate after calling for report from the concerned Thana passed the impugned order dated 03.12.2022 in Miscellaneous Criminal Application No.252 of 2022 *Satyapal Singh Vs. Ravindera and others*, whereby, the learned ACJM has dismissed the application of the applicant. Aggrieved by the said order, applicant approached to the Court of learned Additional Sessions Judge, Laksar, District Haridwar in Criminal Revision No.06 of 2022. Learned Revisional Court has dismissed the criminal revision vide order dated 06.04.2023 and affirmed the dismissal order of the learned Magistrate. Hence, the applicant is before this Court challenging the impugned orders.



5. Learned counsel for the applicant submitted the learned Magistrate as well as Revisional Court without considering the facts and circumstances and without appreciating the merits of the case, rejected the application of the applicant and dismissed the revision of the applicant. The impugned orders are based on surmises and conjectures and by misinterpreting and misconstruing the evidence available on record. The impugned orders passed by the learned courts below are illegal, improper and against the material available on record. He further submitted that the learned court erroneously failed to rely on the police report and recorded a perverse finding. The learned courts below while recording such finding failed to examine the evidence available on record, which *prima-facie* proves the offence to be made out against the private respondents.

6. Per contra, learned State Counsel submitted that learned Courts below have rightly passed the impugned orders.

7. I have gone through the impugned judgments and orders passed by both the learned Magistrate and learned Revisional Court and perused the record. The learned Magistrate was right in holding that application was not made by the owner and no explanation was even given for his absence and further Registration Certificate (RC) of the disputed vehicle was also not produced before the learned Magistrate. Thus, learned Magistrate found the story of the applicant doubtful and accordingly



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rejected the application under Section 156(3) Cr.P.C. The learned Revisional Court found favour with the reasoning recorded by the learned Magistrate and rejected the revision and affirmed the order passed by learned Magistrate.

8. Having heard the learned counsel for the parties and having gone through the entire material available on record, this Court is of the view that the Courts below have done no illegality in passing the impugned orders. This is not a case where this Court should interfere with.

9. Accordingly, the present C482 application is dismissed. However, the parties are at liberty to avail the remedies available under relevant private law.

(Pankaj Purohit, J.)

11.06.2025

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