
(2025) 01 UK CK 0004

Uttarakhand High Court

Case No: Criminal Miscellaneous Application No. 1053 Of 2024

Murti Devi

APPELLANT

Vs

State Of Uttarakhand & Another

RESPONDENT

Date of Decision: Jan. 2, 2025

Acts Referred:

- Indian Penal Code, 1860 - Section 120B, 420, 467, 468, 471, 506
- Code Of Criminal Procedure, 1973 - Section 82, 83

Hon'ble Judges: Pankaj Purohit, J

Bench: Single Bench

Advocate: D.K. Tyagi, B.C. Joshi, Sweta Badola Dobhal

Final Decision: Dismissed

Judgement

Pankaj Purohit, J

1. Heard learned counsel for the parties.

2. By means of this C528 application, applicant has put to challenge the summoning order dated 08.11.2018, (FIR No.35 of 2018) in Charge-sheet

No.374 of 2018 as well as the entire proceedings of Criminal Case No.14953 of 2018, State vs. Murti Devi & others, under Sections 420, 467, 468,

471, 120-B & 506 IPC, pending in the court of learned Chief Judicial Magistrate, Haridwar, District Haridwar.

3. It is contended by learned counsel for the applicant that she was the general power of attorney holder of Tarachand. He further contends that the

accused persons sold the disputed property showing it as a loan free property and a property free from mortgage in the sale deed, whereas at a later

stage, the complainant came to know that loans of various amount has been taken by mortgaging the property to Oriental Bank of Commerce, Haridwar, State Bank of India & Punjab National Bank.

4. It is also contended by learned counsel for the applicant that the applicant is a 69 years old lady suffering from various ailments who had no

knowledge of the NBW and proceedings under Section 82/83 Cr.P.C. He further contends that the loan, if any, on the above property was taken by

Tarachand & not by the applicant and the applicant has been made a scapegoat. If any loan was taken on the above property, then it creates a civil

dispute, not a criminal case.

5. Per contra, learned State Counsel submits that as per the charge-sheet, respondent no.2 was cheated at the hands of applicant and she was a part

of the entire conspiracy.

6. I have heard learned counsel for the parties and carefully perused the entire documents available on record.

7. From perusal of the FIR, prima facie, the commission of cognizable offence is made out against the applicant. Accordingly, no case is made out to

interfere in the present C528 application and the same is dismissed in-limine.

8. Pending application, if any, stands disposed of.