



2026:UHC:2272

HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Misc. Application U/s 482 No. 1823 of 2018

31st March, 2026

SriramApplicant

Versus

State Of Uttarakhand and AnotherRespondents

With

Criminal Misc. Application U/s 482 No. 640 of 2024

NatthulalApplicant

Versus

State Of Uttarakhand and AnotherRespondents

With

Criminal Misc. Application U/s 482 No. 766 of 2024

Abdul WajidApplicant

Versus

State Of Uttarakhand and AnotherRespondents

Presence:-

Mr. Jitendra Chaudhary and Mr. Lalit Sharma, learned counsel for the applicant.

Mr. Rakesh Joshi and Mr. Nikhil Bisht, learned Brief Holders for the State.

Hon'ble Mr. Alok Mahra, J. (Oral)

Present applications under Section 482 of the Code of Criminal Procedure have been filed seeking quashing of the chargesheets and the summoning/cognizance orders dated 17.02.2018 and

19.06.2018 passed by the learned Judicial Magistrate 1st Class/1st Additional Civil Judge (Senior Division), District Udham Singh Nagar in Criminal Case No.1416 of 2018, which is under challenged in C-482 No.1823 of 2018; the cognizance/summoning order dated 06.12.2021 passed by the learned Judicial Magistrate (First), Rudrapur, District Udham Singh Nagar in Criminal Case No.6191 of 2021, which is under challenge in C-482 No.640 of 2024; and the cognizance/summoning order dated 06.12.2021 passed by the learned Judicial Magistrate (First), Rudrapur, District Udham Singh Nagar in Criminal Case No.6191 of 2021, challenged in C-482 No.766 of 2024, as well as the entire criminal proceedings arising therefrom.

2. Since common questions of law and fact are involved in the aforesaid applications, particularly as they arise out of the same set of transactions and allegations, the matters are being decided together by this common judgment. However, for the sake of convenience, the facts of C-482 No.1823 of 2018 are being taken as the leading case.

3. Learned counsel for the applicant would submit that an F.I.R. was lodged by Sulohita Negi,

Deputy Education Officer, Gadarpur, District Udham Singh Nagar, alleging that one Sriram (applicant in C-482 No.1823 of 2018) had secured appointment in the Education Department as Assistant Teacher on 18.03.2005 on the basis of a false Permanent Resident Certificate. It is alleged that the said certificate was obtained fraudulently and, consequently, the services of the applicant were terminated on 15.10.2016. After completion of investigation, a chargesheet was submitted against the applicant Sriram, while the investigation in respect of other accused persons was stated to be continuing.

4. It is further submitted that the applicant in C-482 No.640 of 2024 is the father-in-law of Sriram, whereas the applicant in C-482 No.766 of 2024 was working as Revenue Inspector, and the allegation against him is that he connived with the co-accused and facilitated preparation of the alleged forged permanent resident certificate; that, the order cancelling the permanent resident certificate and the consequential termination were challenged by the applicant by filing Writ Petition (M/S) Nos.249 of 2015, 810 of 2015 and 2954 of 2017; that, the learned Single Judge of this Court, by judgment and order dated

20.08.2018, upheld the cancellation of the permanent resident certificate. Aggrieved thereby, the applicant preferred Special Appeal Nos.273 of 2018 and 274 of 2018, which were dismissed by the Division Bench of this Court by judgment and order dated 31.05.2018. Thereafter, the applicant approached the Hon'ble Supreme Court by filing Special Leave Petition (Civil) Nos.23150-23151 of 2018, which came to be dismissed by order dated 07.09.2018, with the following clarification:

“We see no reason to interfere with the impugned orders. The special leave petitions are accordingly dismissed. However, we clarify that as a result of the impugned order no recovery of any dues shall be made from the petitioner nor shall he be subjected to any criminal proceedings.”

5. Learned counsel for the applicant would further submit that the aforesaid observation of the Hon'ble Supreme Court clearly restrains initiation or continuation of criminal proceedings against the applicant arising out of the same cause of action.

6. Learned counsel for the applicant further submits that the F.I.R. was lodged on 15.10.2016, whereas the alleged appointment of the applicant on

the basis of the permanent resident certificate was made on 18.03.2005, thus there is a delay of about 11 years in lodging the F.I.R., for which no plausible explanation has been given by the concerned department. It is further submitted that at the time of appointment, the permanent resident certificate and other documents were duly verified by the competent authorities and the selection committee, and no objection was raised at that stage. It is also contended that the revenue authorities had conducted physical verification before issuing the certificate, and therefore the applicant cannot be held responsible for the alleged irregularities. It is also submitted that the Investigating Officer conducted the investigation in a routine manner, without collecting cogent evidence, and the learned trial court mechanically took cognizance without proper application of judicial mind.

7. Per contra, learned State counsel opposed the applications and submitted that the applicant had fraudulently obtained the permanent resident certificate, and on the basis of the said certificate had secured government employment. However, learned State counsel does not dispute the fact that the Hon'ble Supreme Court, while dismissing the SLP, had

clearly observed that the applicant shall not be subjected to any criminal proceedings as a consequence of the impugned orders.

8. Heard learned counsel for the parties and perused the material available on record.

9. The undisputed position emerging from the record is that the Hon'ble Supreme Court, while dismissing the Special Leave Petition, categorically clarified that the petitioner shall not be subjected to any criminal proceedings as a result of the impugned orders. The said observation of the Hon'ble Supreme Court is binding under Article 141 of the Constitution of India, and the same is required to be strictly complied with by all courts and authorities. The continuation of the criminal proceedings in the present case, despite the aforesaid clarification of the Hon'ble Supreme Court, would therefore be contrary to the binding directions of the Apex Court. It is well settled that the inherent jurisdiction of the High Court under Section 482 Cr.P.C. can be exercised to prevent abuse of the process of the court and to secure the ends of justice.

10. The Hon'ble Supreme Court in State of Haryana vs Bhajan Lal, 1992 Supp (1) SCC 335 has

held that criminal proceedings can be quashed where their continuation would amount to abuse of the process of law. Similarly, in Pepsi Foods Ltd. vs Special Judicial Magistrate, (1998) 5 SCC 749, the Hon'ble Supreme Court held that summoning of an accused is a serious matter and the Magistrate must apply his judicial mind before issuing process. Further, in Amit Kapoor vs Ramesh Chander, (2012) 9 SCC 460, the Hon'ble Supreme Court reiterated that the inherent power of the High Court can be exercised where continuation of criminal proceedings would result in miscarriage of justice. In the present case, in view of the specific clarification issued by the Hon'ble Supreme Court, the continuation of the criminal proceedings against the applicants cannot be sustained in the eyes of law.

11. Accordingly, the present C-482 applications deserve to be allowed and are, accordingly, allowed. The chargesheets, the summoning/cognizance orders dated 17.02.2018 and 19.06.2018 passed by the learned Judicial Magistrate 1st Class /1st Additional Civil Judge (Senior Division), District Udham Singh Nagar in Criminal Case No.1416 of 2018 (subject matter of C-482 No.1823 of 2018), as well as the

cognizance/summoning orders dated 06.12.2021 passed by the learned Judicial Magistrate (First), Rudrapur, District Udham Singh Nagar in Criminal Case No.6191 of 2021 (subject matter of C-482 No.640 of 2024 and C-482 No.766 of 2024), along with the entire proceedings of the aforesaid criminal cases, are hereby quashed.

12. Pending applications, if any, stand disposed of accordingly.

(Alok Mahra, J.)
31.03.2026

Mamta