

4. In short, the facts are that the complainant-appellant allegedly attempted to be abducted by accused-respondent No. 2, from which the former somehow escaped and then took recourse to the law. FIR No.11/2001 under the above-mentioned Section was filed at the Chowki Bidal, Kantgarhi Police Station on 19th February, 2001. The complaint, on the basis of which the FIR stood registered, reads as under :

"To Sir, SHO, Police Station Gari Cant Dehradun Respected Sir it is prayed that today dated 19.2.2001 time 9.00 a.m. when I was working with computer in my house then a call from outside, that come out from house when I came out from house two person which were not known to me started pulling me by catching my hand. I tried to free my hand and cried loudly "Bachao". His vehicle was standing outside bearing No.DL-3CE-7239. When persons were trying to sit in the vehicle then someone was sitting hiding himself in corner on back seat and as I saw that person, he was my nephew whose name was Wajahat Afroz @ Guddu s/o Shri Master Abdul Sattar Ansari R/O Mohalla Mirdegan, Bijnor, U.P. who has a criminal tendency and practicing advocate at Delhi as one driver was also in the vehicle. They threatened to kill me when they going before this incident yesterday evening I receipt two unknown phone call to threaten me that your father will not alive. They do not disclose their name therefore I am requesting Sir to lodge my report and kindly take action against above said persons and providing security..."

5. The accused-respondent filed Writ Petition No.837/2001 which was dismissed vide order dated 18th May, 2004 for want of prosecution. Upon

completion of the investigation, a chargesheet was filed on 17th May, 2002.

6. A Criminal Miscellaneous Application, numbered 295/2003 was filed under Section 482 Cr.P.C. seeking quashing of said chargesheet bearing No.28 of 2001. Vide order dated 14th August, 2007, the same was dismissed. A Special Leave Petition thereagainst was preferred having particulars SLP(Crl.)No.157 of 2008 which was dismissed as withdrawn by order dated 6th September, 2013. On 21st December, 2013, a petition was filed seeking quashing of order dated 4th June, 2004 by which the Chief Judicial Magistrate, Dehradun framed charges against the accused-respondent. The appellant-complainant is aggrieved thereby, and thus is before us.

7. It has been observed by the High Court that no specific allegations have been made against the accused-respondent and neither has any motive been disclosed. It was further observed that the accused-respondent is a lawyer in Delhi. Holding that the trial court has passed the order impugned before the High Court in a cursory manner, the same

was set aside.

8. It is a matter of record that a previous petition under Section 482 Cr.P.C. stood dismissed and an appeal against such dismissal to this Court, was also dismissed. The law on this point is well-settled. The dismissal of a previous petition under Section 482 Cr.P.C. does not bar a subsequent petition, under the said Section from being entertained, if the facts so justify. (see Vinod Kumar v. Union of India, 2021 SCC OnLine SC 559 and Supdt. and Remembrancer of Legal Affairs v. Mohan Singh, (1975) 3 SCC 706) The record is silent as to which facts persuaded the High Court to exercise its jurisdiction for a second time when one such petition already stood dismissed and such order, confirmed by this Court. It has been treated like an application coming up at the first instance. Such an approach is not justified. Perhaps, primarily what weighed with the Court was that the private respondent is a practicing lawyer. Significantly, the said respondent concealed the factum of trial being in progress subsequent to the dismissal of the special leave petition by this

Court.

9. In the attending facts and circumstances of this case, the judgment with the particulars as described in paragraph 1, is quashed and set aside. The proceedings against the accused-respondent are revived. Considering the fact that the incident and initial proceedings are almost two decades old, we direct that the trial should proceed on a day-to-day basis once it begins.

10. The Appeal is allowed. The registry is requested to transmit a copy of this order to the learned Registrar General, High Court of Uttarakhand, who shall ensure its passage to the concerned court. The accused respondent is directed to appear before the Trial Court on 5th March 2025.

Pending application(s), if any, shall stand disposed of.

.....J.
(PANKAJ MITHAL)

.....J.

(SANJAY KAROL)

New Delhi;
12th December, 2024.

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (Crl.) No. 9111/2022

[Arising out of impugned final judgment and order dated 15-03-2019 in CRLR No. 347/2013 passed by the High Court of Uttarakhand at Nainital]

NAUSHAD AHMAD ANSARI

Petitioner(s)

VERSUS

THE STATE OF UTTARAKHAND & ANR.

Respondent(s)

Date : 12-12-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PANKAJ MITHAL

HON'BLE MR. JUSTICE SANJAY KAROL

For Petitioner(s) Mrs. S. Janani, Sr. Adv.
Ms. Sharika Rai, Adv.
Ms. Madhu Moolchandani, AOR

For Respondent(s) Mr. Ashutosh Kumar Sharma, AOR
Ms. Anubha Dhulia, Adv.
Mr. Deep Narayan Sarkar, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The present appeal is allowed in terms of the
signed order which is placed on the file.

Pending application(s), if any, shall stand
disposed of.

(SNEHA DAS)
SENIOR PERSONAL ASSISTANT

(RAM SUBHAG SINGH)
COURT MASTER (NSH)