

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.722 OF 2020
(Arising out of S.L.P.(Criminal) No.1108 of 2019)

HEMANT DWIVEDI

... APPELLANT(S)

VS.

THE STATE OF UTTARAKHAND & ORS.

... RESPONDENT(S)

O R D E R

Leave granted.

We have heard learned counsel for the parties and perused the report which has been submitted in pursuance to our order dated 6th December, 2019 by the SDM to carry out the demarcation in the presence of both the parties.

We find that the dispute really is one of a civil nature relating to the land in question and the criminal process is being used to settle that dispute. The demarcation report leaves little in doubt about the ground situation and thus, we are of view that there is no requirement for the criminal process to go on.

Learned counsel for the respondents states that they seriously dispute the report of the SDM, and naturally so, as it does not now favour them. We have not precluded them from challenging the report in accordance with law.

In view of the aforesaid, the appeal is disposed of with the following directions:

- (i) The criminal process initiated in pursuance to FIR No.6/2018 dated 04.03.2018 registered at PS Bhimtal stands quashed.
- (ii) The report of the SDM is taken on record and if any of the parties is aggrieved by the SDM report, the same may be assailed in accordance with law.
- (iii) The possession at present will be maintained by the parties in accordance with the report of the SDM subject to any adjudication which may take place as aforesaid.

The appeal is accordingly allowed leaving parties to bear their own costs.

.....J.
[SANJAY KISHAN KAUL]

.....J.
[HRISHIKESH ROY]

New Delhi;
November 03, 2020.

ITEM NO.8 Court 7 (Video Conferencing) SECTION II

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (CrI.) No(s). 1108/2019

(Arising out of impugned final judgment and order dated 07-01-2019 in WPCRL No. 448/2018 passed by the High Court of Uttarakhand at Nainital)

HEMANT DWIVEDI Petitioner(s)

VERSUS

THE STATE OF UTTARAKHAND & ORS. Respondent(s)

(IN VIEW OF ORDER DATED 06.12.2019, COVERING REPORT HAS BEEN RECEIVED IN A SEALED ENVELOPE.

IA No. 18794/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 03-11-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s) Mr. Parag P.Tripathi, Sr. Adv.
Mr. Satyajit A. Deai, Adv.
Ms. Anagha S. Desai, AOR
Mr. Satya Kam Sharma, Adv.
Mr. Srinivasan Ramaswamy, Adv.

For Respondent(s) Mr. Sanpreet Singh Ajmani, Adv.
Mr. Varun Mishra, Adv.
Ms. Manju Jetley, AOR

Mr. Saurabh Trivedi, AOR

Mr. Vikas Negi, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

Pending application shall also stand disposed of.

(ASHA SUNDRIYAL)

AR-cum-PS

(ANITA RANI AHUJA)

ASSISTANT REGISTRAR

(Signed order is placed on the file.)