

(2010) 09 UK CK 0100
In the Uttarakhand High Court

Faheemuddin and Others

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

Date of Decision : 30-09-2010

Acts Referred:

Constitution of India, 1950 — Article 226
Dowry Prohibition Act, 1961 — Section 3, 4
Penal Code, 1860 (IPC) — Section 186, 225, 323, 332, 353

Citation : (2010) 09 UK CK 0100

Hon'ble Judges : Prafulla C. Pant, J;Nirmal Yadav, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Prafulla C. Pant, J.—Sri Z.U. Siddiqui, Advocate present for the petitioners.

2. Sri S.S. Adhikari, A.G.A. present for the State.

3. Heard.

4. By means of this writ petition moved under Article 226 of the Constitution of India, the petitioners have sought a writ in the nature of mandamus commanding the respondents to get the matter investigated through an independent agency.

5. It appears that earlier some first information report was lodged against petitioners namely Faheemuddin, Nizamuddin, Islamuddin @ Kaluwa, Kayamuddin and Smt. Shabina on the complainant of Mohd. Rizwan at Mahila Police Station, sub district Sadar, district Moradabad on 30th March, 2010 relating to offences punishable under Sections 498A, 323 and 504 IPC read with Section 3/4 of the Dowry Prohibition Act, 1961.

6. It further appears that since the petitioners were resident of Ramnagar district Nainital, they were required to be arrested from said place. The first information report No. 107 of 2010 registered against the petitioners at police station Ramnagar on 29.04.2010 shows that when the police made attempt to arrest the

petitioners in connection with crime registered at Moradabad, they got freed the accused assaulted the policemen and obstructed them in discharge of their duties. As such, the aforesaid first information report No. 107 of 2010 was registered in connection with the offences punishable under Sections 225, 186, 353, 332 and 504 IPC. It is in respect of that FIR, the petitioners seek transfer of investigation.

7. Learned Counsel for the petitioners submitted that he has some dispute with one Davendra Singh Bisht, a constable in the year 2008 in which a compromise was entered between the parties in the year 2009. Learned Counsel for the petitioners further pleaded that due to this enmity, policeman has got lodged first information report No. 107 of 2010. The said first information report discloses that it was lodged by respondent No. 6 S.S.I. Umed Singh Danu. Learned Counsel for the petitioners argued that S.S.I. Umed Singh Danu is inimical to the petitioners. It is admitted that S.S.I. Umed Singh Danu is not investigating the crime.

8. In the above circumstances, having considered the submissions of the Learned Counsel for the parties and after going through the papers on record, we do not find, it a fit case to interfere with the investigation. The writ petition is dismissed summarily.