

(2019) 05 UK CK 0079

In the Uttarakhand High Court

Case No : Criminal Writ Petition No. 660 Of 2019

Gurvinder Singh

APPELLANT

Vs

Senior Superintendent Of Police & Others

RESPONDENT

Date of Decision : 07-05-2019

Acts Referred:

Indian Penal Code, 1860 — Section 307, 452, 506
Constitution Of India, 1950 — Article 226

Citation : (2019) 05 UK CK 0079

Hon'ble Judges : Ravindra Maithani, J

Bench : Single Bench

Advocate : Harshpal Sekhoh, S.S. Adhikari, Lalit Sharma

Final Decision : Dismissed

Judgement

Ravindra Maithani, J

1. The instant petition under Article 226 of the Constitution of India has been filed for quashing the F.I.R. No.85 of 2019, under Sections 307, 452 and 506 I.P.C., P.S. Gadarpur, District Udham Singh Nagar and also for stay of arrest.

2. Heard and perused the records.

3. According to the F.I.R on 02.05.2019, the petitioner and others forcefully entered into the house of the first informant, fired indiscriminately but fortunately none could be harmed. In the F.I.R the reason for enmity between the parties and the incident, which occurred on 01.05.2019 has also been stated, which relates to abusing, threatening to life and a scuffle.

4. Leaned counsel for the petitioner would argue that a petty quarrel has been given an exaggerated form and many of the things have been falsely stated in the F.I.R. The petitioner wants to live in harmony. Petitioner has had no idea as to what had happened in the matter and why F.I.R. is lodged.

5. On the other hand, learned counsel for respondent no.3 would urge that

immediately after the incident the police reached the spot and recovered remains of the firing. Investigation is underway and two of the co-accused have already been arrested.

6. It is a case of indiscriminate fire by forcefully entering in the house of the first informant. The F.I.R. discloses commission of cognizable offence. Whether it is true or not it is a matter for investigation or at trial. In these proceedings under Article 226 of the Constitution of India, these aspects cannot be examined. Therefore, this Court is of the view that there is no reason to quash the F.I.R. and the writ petition deserves to be dismissed.

7. Learned counsel for the petitioner would argue that in case petitioner appears before the court below his bail application may be decided expeditiously.

8. The writ petition is dismissed. However, if the petitioner appears before the Court below, his bail application may be disposed of as expeditiously as possible, in accordance with law.