

(2024) 12 UK CK 0011

In the Uttarakhand High Court

Case No : Writ Petition Criminal No. 1307 Of 2024

Inderjeet Singh And Ors

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 04-12-2024

Acts Referred:

Bharatiya Nyaya Sanhita, 2023 — Section 115(2), 191(2), 351(3), 352
Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 35(3)

Citation : (2024) 12 UK CK 0011

Hon'ble Judges : Pankaj Purohit, J

Bench : Single Bench

Advocate : Dushyant Mainali, K.S. Rawal

Final Decision : Disposed Of

Judgement

Pankaj Purohit, J

1. By means of this writ petition, petitioner has impugned F.I.R. No.0378 of 2024 dated 24.11.2024 under Sections 115(2) and 191(2) of B.N.S. 2023 registered at Police Station Sitarganj, District Udham Singh Nagar.
2. It is contended by learned counsel for the petitioners that for the same incident as alleged in the impugned F.I.R., the petitioner has also lodged an F.I.R. on 23.11.2024 under Sections 115(2), 191(2), 351(3) and 352 of B.N.S. 2023.
3. In order to put pressure upon the petitioner, wife of the accused in F.I.R. of the petitioner, has lodged the impugned F.I.R. and the Police, instead of investigating the crime, is pressurizing the parties to compromise.
4. Per contra, learned State counsel, on instructions, submitted that after investigation name of the petitioner nos.2, 3 and 5 has been exonerated and investigation is continuing against petitioner nos.1 and 4 under Sections 115(2) and 352 of B.N.S. 2023 and it is also submitted by learned State counsel that 191 sub-clause 2 has already been deleted, during investigation.

5. Learned counsel for the petitioner further submitted that the offence alleged against the petitioners carries maximum sentence of 7 years and, therefore, instead of taking coercive measures against the petitioners the Investigating Officer is enjoined under law to issue notice under Section 35(3) of B.N.S.S. 2023, which has yet not been done.

6. In this view of the matter, the writ petition is disposed-off. The Investigating Officer is directed to serve notice under Section 35(3) of the B.N.S.S. 2023 upon petitioner nos.1 and 4 against whom the investigation is going on and they shall co-operate with the investigation.