
(2020) 07 UK CK 0056

In the Uttarakhand High Court

Case No : Writ Petition (Criminal) No. 1147 Of 2020

Kanchan Singh Bisht

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 30-07-2020

Acts Referred:

Indian Penal Code, 1860 — Section 193, 196, 197, 198, 199, 200, 420, 465, 466, 467, 468, 471

Constitution Of India, 1950 — Article 226

Citation : (2020) 07 UK CK 0056

Hon'ble Judges : Ravindra Maithani, J

Bench : Single Bench

Advocate : Hari Mohan Bhatia, P.S. Bohara

Final Decision : Dismissed

Judgement

Ravindra Maithani, J

1. The petitioner has filed the petition for quashing an FIR No. 0076 of 2020, under Sections 193, 196, 197, 198, 199, 200, 420, 465, 466, 467, 468 and

471 IPC, Police Station-Kotwali Dehradun, District Dehradun, and also seeking directions that the petitioner may not be arrested pursuant to the FIR.

2. FIR in the instant case has been lodged under the order of the court of learned Special Judge, Narcotic Drugs and Psychotropic Substances Act,

1985, District Dehradun passed on 16.03.2020 in Miscellaneous Criminal Case No. 111 of 2020, NCB Vs. Ankit Bisht. According to the FIR, son of

the petitioner Ankit Bisht was arrested on 21.01.2020, in relation to some offences under the Narcotic Drugs and Psychotropic Substances Act, 1985

(for short "the NDPS Act"). He was produced before the Special court, where the petitioner moved an application alongwith his affidavit that the

age of his son Ankit Bisht is 17 years, he is a child, therefore, he may be declared as such and forwarded to observation home. This application was

referred to Juvenile Justice Board (for short the J.J. Board). The J.J. Board on 02.03.2020 after detailed enquiry found that, in fact, the date of

birth of the son of the petitioner Ankit Bisht is 21.05.2001 and his date of birth is not 21.05.2002, which the petitioner had deposed, although, in

Matriculation Certificate, the date of birth of Ankit Bisht was recorded 22.05.2002. Ankit Bisht was therefore, again referred to the Special court

NDPS. The Special court, on 16.03.2020 passed a detailed order and observed that it is the petitioner, who forged, the birth certificate of Ankit Bisht

and changed the date of birth by over-writing and made it 22.05.2002 and this is the date of birth, which was then recorded in Matriculation

Certificate. The court observed that the real date of birth of Ankit Bisht is 21.05.2001 and in the birth certificate of Ankit Bisht by over-writing forgery

was committed. Therefore, FIR was lodged. Court categorically observed that false evidence in terms of affidavit was submitted by the petitioner.

The order for lodging of FIR is quite detail. It also notes that the petitioner is a Police Constable.

3. Learned counsel for the petitioner would submit that when Ankit Bisht, son of the petitioner was arrested, the petitioner moved an application

before the special court NDPS with regard to the age of Ankit Bisht, on the basis of High School Certificate. The other documents with regard to the

date of birth of Ankit Bisht were not submitted by the petitioner. It is enquired and submitted by N.C.B.

4. It is not an FIR, which is casually recorded. It is not a matter, which was on its own taken up by the courts. Ankit Bisht was arrested and when he

was produced before the court, it is the petitioner, who moved an application alongwith an affidavit seeking a declaration that Ankit Bisht is a child. In

fact, at the first glance it was accepted and the matter was sent to J.J. Board. But on subsequent enquiry, it was revealed that, in fact, it is the

petitioner, who appears to have forged the date of birth certificate of his son Ankit Bisht.

5. This is a petition under Article 226 of the Constitution of India. If FIR discloses commission of cognizable offence, interference should not be

generally made. In exceptional and extraordinary circumstances, interference may perhaps be warranted. In the instant case, the FIR discloses

commission of cognizable offences. Needless to say, the trustworthiness, reliability and credibility of the averments would be subject to further

scrutiny at investigation or at the trial, as the case may be. Therefore, this Court is of the view that there is no reason to make any interference at this

stage and the instant petition deserves to be dismissed.

6. The writ petition is hereby dismissed.