
(2018) 05 UK CK 0007

In the Uttarakhand High Court

Case No : Writ Petition (Crl.) No. 687 of 2018

MANOJ AGRAWAL AND ANOTHER

APPELLANT

Vs

STATE OF UTTARAKHAND AND OTHERS

RESPONDENT

Date of Decision : 02-05-2018

Acts Referred:

Citation : (2018) 05 UK CK 0007

Hon'ble Judges : V.K. BIST, J

Bench : Single Bench

Advocate : T.A. Khan, Aditya Kumar Arya, B.S. Thind

Final Decision : Dismissed

Judgement

1. This petition has been filed by the petitioners seeking the following relief:

â??i) To issue a writ, order or direction in the nature of certiorari quashing the F.I.R. bearing no.0016 dated 17.04.2018, lodged by the respondent no.

3, registered at Police Station Banbasa, District Champawat, U/s 452, 354, 504, 506 of I.P.C. (Annexure No.1 to the writ petition).Â

2. Allegation against the petitioners in the F.I.R. lodged by the respondent no.3 (complainant) is that, on 16.03.2018, the petitioners entered into her

house; pushed her and, while hurling abuses, threatened her by saying that if they donâ??t give statement against Jitendra Verma, they will do away

their life and will not permit them to live in Banbasa.Â When she made hue and cry, her mother-in-law came downstairs and the petitioners, by

pushing her, fled away from the spot.

3. Learned counsel for the petitioners submitted that allegations made against the petitioners in the impugned F.I.R. are totally false and, therefore,

protection should be granted to the petitioners.Â He submitted that, in fact, the

petitioner no.1 had filed a complaint against Jitendra Verma, Shekhar Verma and against the husband of the respondent no. 3, namely, Guddu. In that case, Guddu has been convicted and has been sentenced to undergo imprisonment for a period of one year. He submitted that, on the day of judgment, Jitendra Verma, Shekhar Verma and husband of the respondent no. 3, namely, Guddu abused the petitioner no. 1 and assaulted him. Thereafter, the petitioner no. 1 again filed a criminal complaint against them. It is alleged that when the husband of respondent no. 3 came to know about the filing of the aforesaid complaint, he, in order to take revenge from the petitioners, lodged the impugned F.I.R.

4. Learned Brief Holder vehemently opposed the writ petition. He referred to the statement of respondent no. 3 recorded under Section 164 Cr.P.C., in which she has supported the prosecution version. He submitted that allegations made against the petitioners are serious in nature.

Therefore, interim relief should not be granted to the petitioners and the writ petition filed by them deserves to be dismissed at the threshold.

5. I have considered the submission advanced by the learned counsel for the parties and have perused the papers available on record.

6. The Hon'ble Apex Court, in the case of State of West Bengal. Vs. Swapna Kumar, 1982 (1) SCC 561, has held that if an offence is disclosed, Court will not normally interfere with the investigation into the case, and will permit investigation into the offence alleged to be completed. If the FIR, prima facie, discloses the commission of an offence, the Court does not normally stop the investigation, for, to do so would be to trench upon the lawful power of the police to investigate into cognizable offences.

7. I have considered the submission of learned counsel for the parties and gone through the contents of F.I.R. Contents of F.I.R. disclose offence and it is for the Investigating Officer to investigate the case and, thereafter, either to file charge sheet or final report in the matter. It is not a fit case, where the High Court should interfere in this criminal writ petition moved under Article 226 of the Constitution of India. Consequently, the writ petition is dismissed. The Investigating Officer shall investigate the matter in a very careful manner.

8. However, considering the argument of learned Senior Advocate for the petitioners that petitioner no. 1 had filed a complaint against the husband of

respondent no. 3 & two others and the husband of respondent no. 3, in order to take revenge, has got lodged the impugned F.I.R., it is directed that in case the petitioners surrender before the Court concerned and moves the bail applications, the learned Courts below shall decided the bail applications of the petitioners expeditiously, preferably on the same day, in accordance with law.Â Â