

(2022) 09 UK CK 0048

In the Uttarakhand High Court

Case No : Writ Petition (Criminal) No. 1686 Of 2022

Navneet Agawal

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

Date of Decision : 07-09-2022

Acts Referred:

Indian Penal Code, 1860 — Section 420, 438, 467, 468, 471

Citation : (2022) 09 UK CK 0048

Hon'ble Judges : Sanjaya Kumar Mishra, J

Bench : Single Bench

Advocate : Manisha Bhandari, Bhupesh Kandpal, Manisha Rana

Final Decision : Disposed Of

Judgement

Sanjaya Kumar Mishra, J

1. By filing this writ application, the petitioner has prayed for quashing of the First Information Report which has been registered under Section 420 of the Penal Code, but subsequently, Sections 467, 468 and 471 of the same Code has been added by the Station House Officer PS Kotwali, District Pithoragarh, which was transferred to Champawat Police Station. Admittedly, in this case the petitioner has earlier approached this Court for quashing of the FIR, but the same was disposed of with such observations giving liberty to the petitioner to file appropriate application before the learned Sessions Judge seeking anticipatory bail under Section 438 of the Code. Now, the application has already been dismissed by the learned Sessions Judge and an application is pending before the Coordinate Bench of this Court.

2. Learned counsel for the petitioner would submit that even if the contents of the FIR are taken to be true, no offence under Sections 467, 468 and 471 are made out. However, it is apparent from the FIR that there is certain allegations regarding forgery and as per the settled law, whenever an allegation is made and it constitute a prima facie cognizable case then it is the duty of the Police to

investigate the same. The investigation the case should not be ordinarily and lightly interfered by the Court unless there is substantial reason to believe that the investigation should not proceed because the FIR needs to be quashed in the ultimate analysis.

3. In this case the learned counsel could not satisfy the Court on a reading of the FIR that that the contents of the FIR do not reveal a case under Sections 467, 468 and 471 of the Penal Code. However, she has pointed out that one Ketan Rajoria, has filed an affidavit on the basis of Power of Attorney allegedly executed by the complainant. In writ applications being WP(MS) No. 1277 of 2020, WP(M/S) No. 1860 of 2020, and WP(M/S) 960 of 2020, and the documents filed before the Excise Authorities in three different districts.

4. In that view of the matter, though we do not any merit in the Writ Application, we hereby direct the Investigating Officer to examine the records of the aforesaid Writ Petitions of this Court as well as the petitions filed before the Excise Authority, Pithoragarh and Nainital and take a decision whether the said Ketan Rajoria should also be investigated into for the commission of the offences alleged against the present petitioner.

5. It is further directed that Superintendent of Police, Champawat shall supervise the case and impart necessary instructions in the line of the order passed by this Court today.

6. With such observations, the writ application is disposed of.

7. Let a copy of this Order be supplied to the learned Deputy Advocate General Mr. J.S.Virk, for early compliance.