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**(2011) 11 UK CK 0061**

**In the Uttarakhand High Court**

**Case No : Criminal Writ Petition No. 1000 of 2011**

Rajendra Prasad Kuriyal

APPELLANT

Vs

State of Uttarakhand

RESPONDENT

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**Date of Decision : 16-11-2011**

**Acts Referred:**

Constitution of India, 1950 — Article 226  
Foreigners Act, 1946 — Section 14, 14(6), 7  
Registration of Foreigners Rules, 1939 — Rule 14

**Citation : (2011) 11 UK CK 0061**

**Hon'ble Judges : Prafulla C. Pant, J**

**Bench : Single Bench**

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## **Judgement**

Hon"ble Prafulla C. Pant, J.—Heard.

2. By means of this writ petition moved under Article 226 of Constitution of India, the petitioner has sought quashing of the First Information dated 09.10.2011, registered as crime No. 42 of 2011, relating to offence punishable u/s 7 read with section 14 of Foreigners Act, 1946, Police Station Muni-Ki-Reti, District Tehri Garhwal.

3. The allegations in the FIR are that some five foreigners stayed in a hotel known as Divine Ganga Cottage situated in Tapovan, District Tehri Garhwal, on 29.09.2011. Under Rule 14 (6) of Rules framed under Foreigners Act, 1946, information was required to be given to the registration/ police authorities within a period of twenty four hours. However, information about the stay of the foreigners was given after twenty four hours. Due to that reason FIR has been lodged.

4. Having gone through the contents of the FIR this Court finds that neither the lodging of FIR in question is abuse of process of law nor it can be said that ingredients of the offence punishable under sub section (6) of section 14 read with Rule 14 framed under Foreigners Act, 1946, are not made out. As such, this Court is not inclined to interfere with the investigation of the case.

5. Therefore, the writ petition is summarily disposed of with the observation that if the petitioner Rajendra Prasad Kuriyal surrenders before the court concerned his bail application shall be heard, and disposed of without unreasonable delay keeping in mind that though the rule has been violated but there appears no malafide as the communication was made though belated. (Stay application no. 11909 of 2011, also stands disposed of).