

(2011) 10 UK CK 0079

In the Uttarakhand High Court

Case No : Criminal Writ Petition No.916 of 2011 and Stay Application No. 11016 of 2011

Rajni Devi

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

Date of Decision : 18-10-2011

Acts Referred:

Constitution of India, 1950 — Article 226
Penal Code, 1860 (IPC) — Section 406

Citation : (2011) 10 UK CK 0079

Hon'ble Judges : Prafulla C. Pant, J

Bench : Single Bench

Final Decision : Dismissed

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 Report dated 24.08.2011, registered as F.I.R. No. 166 of 2011, relating to offence punishable u/s 406 I.P.C., Police Station Ram Nagar.

3. The allegation made by respondent no.4 Munni Devi in the First Information Report is that she purchased a tractor after obtaining loan from the Bank of Baroda and the petitioner Rajni Devi was the guarantor. It is alleged that the petitioner has taken the tractor from the petitioner giving her promise that she would repay the loan, and return the tractor to her. It is further alleged that tractor has not been returned back to the respondent no.4.

4. Learned counsel for the petitioner submitted that petitioner is a guarantor, and it was agreed between petitioner and respondent no.4 that both of them would use the tractor.

5. Having considered submissions of learned counsel for the parties, and learned counsel for the state, and after going through the papers on record, this court is

not inclined to interfere with the investigation of the case.

6. Therefore, the writ petition is dismissed summarily with the observation that if the petitioner Rajni Devi surrenders before the court concerned, her bail application shall be heard and disposed of without unreasonable delay. (Stay Application No. 11016 of 2011 stands disposed of).