
(2010) 09 UK CK 0079

In the Uttarakhand High Court

Case No : Criminal Writ Petition No. 720 of 2010

Yashpal and Others

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

Date of Decision : 21-09-2010

Acts Referred:

Penal Code, 1860 (IPC) — Section 323, 392, 427, 504, 506

Citation : (2010) 09 UK CK 0079

Hon'ble Judges : Dharam Veer, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Dharam Veer, J.—This writ petition has been filed seeking a writ in the nature of certiorari for quashing the FIR dated 20.8.2010 lodged by respondent No. 3 with PS Kankhal, District Haridwar which is registered as Case Crime No. 161/2010, u/s 427, 504, 506, 323, 392 IPC.

2. Heard learned Counsel for the parties and perused the record.

3. In brief, the prosecution case is that respondent No. 3 Shyam Sundar lodged an FIR with the allegations that on 20.8.2010 at about 3 pm, when the wife of the complainant was busy in official duty regarding preparation of voter list, petitioner No. 2 Smt. Dulari requested the wife of the complainant to make voter identity card for her daughter Km. Arti, but because of her being minor, the wife of the complainant refused to make her identity card. After five minutes, petitioners came there and entered into the school building and destroyed the official documents and also abused the complainant's wife and threatened her. They also looted mobile phone and Rs. 350/- from the complainant. On the basis of the FIR, a case was registered against the petitioners u/s 427, 504, 506, 323, 392 IPC.

4. Learned Counsel for the petitioners argued that the petitioners have been falsely implicated in this case. Contrary to it, learned AGA for the State argued

that the petitioners created obstructions during discharge of official duty and also threatened and abused the complainant's wife and committed robbery.

5. A counter affidavit has also been filed on behalf of the State wherein it has been stated that from the investigation conducted so far, prima facie case against the petitioners is made out and sufficient evidence has been collected to implicate the petitioners.

6. Having heard the submissions of learned Counsel for the parties; the perusal of the contents of FIR and other papers available on record and the facts and circumstances of the case indicate that a prima facie case u/s 427, 504, 506, 323, 392 IPC is made out against the petitioners. Therefore, no interference is required by this Court at this stage.

7. In the result, the writ petition being devoid of merit is dismissed in limine.