

**HIGH COURT OF UTTARAKHAND AT NAINITAL**

**Criminal Writ Petition No. 1702 of 2023**

Pawan Rastogi .....Petitioner

Versus

State of Uttarakhand and others .....Respondents

Present:-

Mr. Chetan Joshi, Advocate for the petitioner.

Mr. K.S. Bora, Deputy Advocate General with Mr.  
J.P. Kandpal, Brief Holder for the State of  
Uttarakhand/respondent nos.1 and 2.

**Hon'ble Ravindra Maithani, J. (Oral)**

The petitioner seeks quashing of FIR No.307 of 2023, dated 21.12.2023, under Sections 406, 420 IPC, Police Station Lalkuan, District Nainital.

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

3. According to the FIR, initially the co-accused Seema Devi took ₹50,000/- as loan from the informant and returned it. Subsequently, the co-accused Seema Devi persuaded the informant for investing money under the assurance of good return. The co-accused Seema Devi further induced the informant to deposit her jewellery in the shop run by the petitioner and get regular returns. The gold jewellery was given on persuasion of the co-accused Seema Devi and others. The informant was given returns also. Once, the FIR records that the co-accused took the petitioner on a jewellery shop of the petitioner.

The petitioner then had accepted to have given receipts. Subsequently, neither jewellery was given nor money.

4. Learned counsel for the petitioner would submit that the allegations are against the co-accused Seema Devi and others; the petitioner did not induce the informant or any other person to deliver money; the petitioner did not cheat anyone; no *prima facie* case is made out against the petitioner, therefore, the FIR deserves to be quashed.

5. This is writ petition under Article 226 of the Constitution of India. If FIR discloses commission of offences, generally no interference is warranted unless there are compelling circumstances to do so.

6. It is true that according to the FIR, initially it is the co-accused Seema Devi, who induced the informant to give money. The FIR further records that they were two co-persons Govind Ram and Nandan, who along with Seema Devi induced the informant to deposit jewellery. The role of the petitioner is also written in the FIR, according to it, the co-accused took the informant at the shop of the petitioner. The petitioner there had accepted to have given the receipts.

7. What is essentially the case is that the informant and others were induced to deposit the jewellery in the shop of the petitioner under the assurance of some returns; the returns were given for sometime, but thereafter, neither the returns were given nor the jewellery was returned. What is the role of the petitioner, it definitely will fall for scrutiny during investigation or trial, as the case may be. At this stage, it cannot be said that no *prima facie* case is made out against the petitioner. This Court in this petition may not scrutinize those materials to arrive at a conclusion. The FIR discloses commission of crime. Therefore, there is no reason to make any interference in this petition. Accordingly, the petition deserves to be dismissed at the stage of admission itself.

8. The petition is dismissed *in limine*.

**(Ravindra Maithani, J.)**

28.12.2023

Sanjay