



2024:UHC:8760-DB

HIGH COURT OF UTTARAKHAND AT NAINITAL
HON'BLE THE ACTING CHIEF JUSTICE MR. MANOJ
KUMAR TIWARI
AND
HON'BLE SRI JUSTICE VIVEK BHARTI SHARMA
26TH NOVEMBER, 2024

WRIT PETITION (CRL) NO. 1236 Of 2024
Smt.Veena Sharma Petitioner

Versus

State of Uttarakhand and others Respondents

Counsel for the petitioner	:	Ms. Sadaf Gaur, learned counsel.
Counsel for the respondents	:	Mr. J.S. Virk, learned Deputy Advocate General with Mr. R.K. Joshi, learned Brief Holder for the State of Uttarakhand.

JUDGMENT : (per Mr. Manoj Kumar Tiwari, A.C.J.)

By means of this writ petition, petitioner has sought the following relief:-

- “a) Issue a writ, order or direction or directions in the nature of Mandamus particularly a writ in the nature of mandamus to direct the respondent nos. 1 to 3 to not to harass the petitioner who is a old widow lady of 68 years of age and is a senior citizen and also to provide adequate protection to her.
- b) Issue a writ, order or direction in the nature of mandamus directing the concerned Investigating Officer to take appropriate action in the FIR No. -0212/2024 under Section 115(2), 126(2), 127(2), 351(3) of BNS which is lodged by the petitioner in P.S. Basant Vihar, Dehradun.



2024:UHC:8760-DB

- c) Issue a writ of mandamus directing the respondent nos. 1 to 3 to not to harass the petitioner on the instance of respondent no. 4.
- d) Issue any other writ, order or direction which this Hon'ble Court may deem fit and proper under the circumstances of the present case."

2. Learned State Counsel was asked to get instructions. Today, on instructions, he submits that petitioner registered an FIR against her son under Sections 115(2), 126(2), 127(2) and 351(3) of Bhartiya Nyaya Sanhita, 2023 at Police Station Basant Vihar, Dehradun on 22.10.2024 and investigation is on in respect of the said FIR. He further submits that there is no witness to the incident indicated in the said FIR. He further submits that there are two cases of Section 138 of Negotiable Instruments Act pending against petitioner before the Judicial Magistrate, Dehradun and NBWs have been issued against her in both the cases. He, however, submits that if petitioner feels that there is grave threat to her life and liberty, she can approach SSP Dehradun seeking protection.

3. We, accordingly, dispose of the instant writ petition by permitting petitioner to make an Application to SSP Dehradun for protection, in case she perceives that there is grave threat to her life. If petitioner



2024:UHC:8760-DB

makes an Application, SSP Dehradun shall have the threat perception of petitioner assessed and pass necessary order as per law.

MANOJ KUMAR TIWARI, A.C.J.

VIVEK BHARTI SHARMA, J.

Dt: 26th November, 2024
Rathour

PRAVINDR
A S
RATHOUR

Digitally signed by PRAVINDR S RATHOUR
DN: cn=PRAVINDR S RATHOUR, o=HIGH COURT OF UTTARAKHAND,
2.5.4.20=32699cc2f6404b1b461332377609e,
3aeb103f81708b334613461332377609e,
postalCode=248001, st=UTTARAKHAND,
serialNumber=7754995310271C0A7D3A6C,
c=IN, email=PRAVINDR.S.RATHOUR@JUDGECERT
IN, date=2024.11.27 17:26:04 +05'30'