



2025:UHC:5907-DB

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL
THE HON'BLE CHIEF JUSTICE MR. G. NARENDAR
AND
THE HON'BLE JUSTICE MR. ALOK MAHRA
Special Appeal No. 167 of 2025
9th July, 2025

Dilshad Appellant
Versus

State Of Uttarakhand Respondents

Presence:-

Mr. Tapan Singh, learned counsel for the appellant.
Mr. J.S. Virk, learned Deputy A.G. along with Mr. Rakesh Joshi,
learned Brief Holder for the State.

JUDGMENT : (per Mr. G. Narendar C. J.)

Office has raised an objection regarding maintainability of the appeal, in view of Chapter VIII Rule 5 of the High Court Rules. Rule 5 reads as under:

***“5.Special Appeal.-** An appeal shall lie to the Court from a judgment (not being a judgment passed in the exercise of appellate jurisdiction) in respect of a decree or order made by a Court subject to the superintendence of the Court and not being an order made in the exercise of revisional jurisdiction or in the exercise of its power of superintendence or in the exercise of criminal jurisdiction or in the exercise of the jurisdiction conferred by Article 226 or Article 227 of the Constitution in respect of any judgment, order or award*



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– (a) of a tribunal, Court or statutory arbitrator made or purported to be made in the exercise or purported exercise of jurisdiction under any Uttarakhand Act or under any Central Act, with respect to any of the matters enumerated in the State List or the Concurrent List in the Seventh Schedule to the Constitution, or (b) of the Government or any officer or authority, made or purported to be made in the exercise or purported exercise of appellate or revisional jurisdiction under any such Act of one Judge.”

2. Office objection regarding maintainability of the appeal is kept open, in view of the fact that the issue is seized up by the Full Bench.

3. Heard learned counsel for the appellant.

4. The petitioner has filed this intra-court appeal being aggrieved by the order dated 20.05.2025, whereby the relief sought for by the petitioner in the writ petition, which is extracted below, came to be rejected on the ground that the petitioner has no locus standi to maintain the writ petition regarding the progress of the investigation:-

“Issue a writ, order or direction in the nature of mandamus directing the respondents to produce the progress report of First



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Information Report dated 18.03.2025, registered as FIR no.78 of 2025, U/s 420, 465, 468 & 471 of IPC, registered at P.S.-Bhagwanpur, District-Haridwar and to arrest the real culprit in connection of aforesaid FIR.”

5. It is the case of the petitioner that he was the informant, who informed the S.D.M. and, on the basis of the information provided by the petitioner, who claims to be a whistle-blower, the S.D.M. directed lodging of a complaint and, on that basis, the complaint came to be lodged.

6. The learned Single Judge, taking note of the same, has been pleased to reject the prayer of the petitioner on the ground that he, being a mere whistle-blower, is not entitled for a copy of the first information report.

7. Admittedly, the first information report is a public document and the petitioner, as an informant, will in all likelihood, be arrayed as a witness. The petitioner, who claims to be a whistle-blower/informant and being member of general public, is always entitled to a copy of the F.I.R. which can be obtained either online or by making an application under the R.T.I. Act.



8. Insofar as the second prayer of the petitioner with regard to production of the progress report, it is no more res-integra that none are entitled to a copy of investigation that is done or the investigation that is to be done and neither the accused nor the complainant nor any third party has a privilege to seek information about the investigation.

9. In that view of the matter, the second part of the prayer, seeking direction to produce the progress report, in our opinion requires to be rejected.

10. It is the case of the petitioner that he is aggrieved by the slow progress of investigation. We have seen that the F.I.R. came to be registered on 18.03.2025 and the allegations borders on an elected representative having produced fabricated certificate.

11. In this background, it is needless to say that the Investigating Authorities are required to not only secure the records but also investigate and examine witnesses for preferring the chargesheet or to file a 'b' report or 'c' report.

12. In that view of the matter, the passage of time, being mere a couple months, the urgency canvassed by the petitioner cannot be appreciated at



this stage.

13. In that view of matter, the order under appeal, holding that a whistle blower is not entitled to maintain a writ petition seeking for progress in the investigation, in our considered view, is erroneous.

14. In that view of the matter, the appeal is allowed in part. The order holding the writ petition as not maintainable is set aside.

15. In view of the complaint, involving the elected office bearer, it was incumbent on the Investigating Authorities to expedite the investigation.

16. In that view, the writ petition is allowed in part and the concerned S.H.O. and I.O. shall endeavour to expedite the investigation and filing of final report.

17. The writ petition stands ordered accordingly.

(G. NARENDAR, C. J.)

(ALOK MAHRA, J.)

Dated: 09.07.2025

Mamta



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