HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Criminal No. 81 of 2026

1st July, 2026

Krishan Kant Anand .....Petitioner

Versus

State Of Uttarakhand and Others .....Respondents

Presence:-

Mr. Digvijay Singh Bisht, learned legal aid counsel for the petitioner.

Mr. Deepak Bisht, learned Deputy A.G. for the State.

Hon'ble Mr. Alok Mahra, J. (Oral)

By means of the present writ petition filed under Article 226 of the Constitution of India, the petitioner has sought following reliefs:

> *(i) To issue an order or direction in the nature of Mandamus commanding respondent Nos. 2 to 7 to register a First Information Report on the basis of the petitioner's complaint dated 29.09.2025, submitted before the Station House Officer, Ramnagar, the Circle Officer, Ramnagar, and the Senior Superintendent of Police, Nainital, regarding the alleged commission of cognizable offences by the petitioner's wife, Beena Pandey, and the persons named therein, including Vijay, Ajay Reddy and others, in relation to the alleged attempt on the petitioner's life by administering a poisonous substance namely pottessium permegnate in black tea, because of which both*

eyes lids got stciked with each other and to conduct a fair, impartial and expeditious investigation in accordance with law.

(ii) To issue a writ, order or direction in the nature of Mandamus commanding respondent Nos. 2 to 7 to take appropriate legal action on the petitioner's complaint dated 29.09.2025, after considering the medical records, CCTV footage and all other material furnished by the petitioner, and to proceed against the persons found involved in accordance with law as the police did not take any action against the criminals as the police got in collusion with the corrupted lady.

(iii) To issue a writ, order or direction in the nature of Mandamus commanding respondent Nos. 1 and 2 to ensure to arrest the accused for their alleged crime.

(iv) To issue a writ, order or direction in the nature of Mandamus commanding the respondent authorities to provide adequate police protection to the petitioner in accordance with law.

2. Learned Legal Aid Counsel appearing for the petitioner would submit that the petitioner has alleged that respondent Beena Pandey, with whom he was residing, had left his house after attending proceedings before this Court in Writ Petition (Criminal) No. 427 of 2025 on the pretext of performing the *Shraddh*

ceremony of her deceased husband; that, when the petitioner contacted her telephonically on 18.09.2025, he became suspicious after overhearing certain conversations in the background; that, thereafter, when Beena Pandey did not return, the petitioner visited her residence at Mukhani, Haldwani; that, during his visit, Beena Pandey allegedly served him black tea after mixing potassium permanganate therein with an intention to cause his death; that, according to the petitioner, immediately after consuming the tea, he became unconscious and later noticed injuries to his eyes; that, the petitioner thereafter lodged a written complaint before the Station House Officer, Ramnagar, District Nainital alleging commission of offences of attempt to murder by Beena Pandey and certain other persons, namely Vijay, Ajay Reddy and others; that, despite furnishing medical documents, CCTV footage and other material in support of his allegations, no First Information Report has been registered nor has any action been taken by the police authorities.

3. Learned counsel would further submit that the petitioner also submitted representations before the

Senior Superintendent of Police, Nainital, but no effective action has been taken thereon. It is argued that the petitioner has also sought protection of his life and liberty before this Court in an earlier writ petition, wherein directions were issued to the concerned police authorities to assess his threat perception and ensure his safety; that, despite the said directions, the police authorities have failed to take appropriate action, hence, the present writ petition has been filed seeking directions for registration of an FIR, arrest of the alleged accused persons and grant of police protection.

4. Per contra, learned State Counsel would oppose the writ petition and submit that although the petitioner claims to have submitted complaints before the Station House Officer and the Senior Superintendent of Police, he has not availed the statutory remedy available under Section 175(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (formerly Section 156(3) of the Code of Criminal Procedure) by approaching the jurisdictional Magistrate. It is submitted that without exhausting the statutory remedy, the petitioner has directly invoked the extraordinary writ jurisdiction of

this Court for issuance of directions to register an FIR, which is not maintainable.

5. Learned State Counsel would further submit that pursuant to the order dated 13.03.2026 passed by a Coordinate Bench of this Court, instructions were sought regarding the action taken on the petitioner's complaint as well as the assessment of his alleged threat perception. In compliance thereof, an enquiry report submitted by the Station House Officer, Ramnagar, District Nainital has been placed before this Court.

6. Learned State counsel would further submit that the enquiry report records that the petitioner and Beena Pandey had come into contact through a social media platform and thereafter started residing together with their mutual consent. During the enquiry, Beena Pandey stated that she is residing with her children at Mukhani, Haldwani, her husband having expired earlier. She further stated that the petitioner had represented himself as a retired person living separately from his legally wedded wife and assured her that he would marry her after obtaining a decree of divorce. According to her, although they resided together for some time,

disputes subsequently arose on account of the petitioner's abusive behaviour, threats and physical harassment. She further alleged that when she decided to leave the petitioner and return to her residence, the petitioner threatened to kill her. She has also alleged that the petitioner later forcibly entered her house at Haldwani, created a disturbance and threatened both her and her sons, regarding which she lodged a complaint at Police Station Mukhani, Haldwani.

7. Learned State counsel would further submit that the enquiry report further records that Beena Pandey denied the allegations levelled against her by the petitioner and stated that she never absconded with any other person and has continuously been residing with her children at Haldwani; that, the report concludes that no marriage had ever been solemnized between the petitioner and Beena Pandey and that they had merely been residing together by mutual consent; that, the allegations made by the petitioner appear to have arisen out of their personal dispute.

8. Heard learned counsel for the parties and perused the material available on record.

9. From the record, it appears that the petitioner seeks a direction for registration of an FIR and consequential arrest of the persons named in his complaint. Admittedly, although the petitioner claims to have approached the police authorities, he has not availed the statutory remedy provided under Section 175(3) of the B.N.S.S. by approaching the jurisdictional Magistrate. It is well settled that where an efficacious statutory remedy is available for seeking registration of an FIR or for redressal of a grievance regarding inaction of the police authorities, the extraordinary jurisdiction of this Court under Article 226 of the Constitution ordinarily ought not to be invoked. The jurisdiction under Article 226 is discretionary and is not intended to bypass the statutory procedure prescribed under criminal law.

10. Moreover, the enquiry report submitted pursuant to the directions of this Court discloses that the dispute between the petitioner and Beena Pandey arises out of their personal relationship. The report further records that they had been residing together by mutual consent and that no marriage had been

solemnized between them. The allegations made by the petitioner have been specifically denied by Beena Pandey, and the enquiry report also notes that she has independently lodged a complaint against the petitioner regarding the incidents alleged by her.

11. In view of the disputed questions of fact involved and the availability of an alternative statutory remedy, this Court is not inclined to exercise its extraordinary writ jurisdiction for issuing the directions prayed for by the petitioner.

12. Accordingly, the writ petition, being devoid of merit, is dismissed. However, dismissal of the present petition shall not preclude the petitioner from availing such statutory remedies as may be available to him in accordance with law.

13. The enquiry report produced by learned State counsel before the Court, is taken on record. Registry is directed to paginate the same as per record.

14. No order as to costs.

(ALOK MAHRA,J.)
01.07.2026

Mamta

MAMTA RANI

Digitally signed by MAMTA RANI
DN: c=IN, o=HIGH COURT OF UTTARAKHAND, ou=HIGH COURT OF UTTARAKHAND, 2.5.4.20=6a812005bebfcf46f244f3e584af1449e430ef900bf09a6d67ebbd642671329b, postalCode=263001, st=Uttarakhand, serialNumber=5de1751a4f1d9cabfd54852c9e68911ca8b66dd26690a191648ab5d8dd004ef0, cn=MAMTA RANI
Date: 2026.07.02 17:58:00 +05'30'