SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			WPCRL/1181/2026 Mushtaq .....Petitioner **Versus** State Of Uttarakhand .....Respondent Mr. Azmeen, learned counsel for the petitioner. 2. Mr. Chitrarth Kandpal, learned Brief Holder for the State. 3. By means of the present writ petition filed under Article 226 of the Constitution of India, the petitioner seeks issuance of a writ in the nature of certiorari for quashing the First Information Report/Case Crime No. 125 of 2026 dated 14.04.2026, registered under Sections 8 and 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at the concerned Police Station. The petitioner has also prayed for issuance of a writ, order or direction in the nature of mandamus commanding respondent no.2 not to arrest the petitioner pursuant to or in connection with the aforesaid First Information Report. 4. Learned counsel appearing for the petitioner would submit that the impugned First Information Report was lodged alleging recovery of 221 grams of smack from the possession of the co-accused, who was apprehended at the spot; that, the petitioner is not named in the First Information Report and his

			alleged involvement has surfaced solely on the basis of the confessional statement of the co-accused recorded during investigation; that, except for the said disclosure statement, there is no independent material connecting the petitioner with the alleged offence. 5. Learned counsel would further submit that the petitioner has been falsely implicated, is willing to cooperate with the investigation, and that no prima facie offence under Sections 8 and 21 of the N.D.P.S. Act is made out against him, therefore, the criminal proceedings against the petitioner amounts to an abuse of the process of law and the impugned F.I.R. deserves to be quashed qua the petitioner. 6. Per contra, learned State Counsel opposed the writ petition and submitted that the investigation in the case is still in progress. He submitted that the allegations made in the F.I.R., along with the material collected during the investigation, require a proper and complete investigation. He further submitted that this Court should not exercise its extraordinary jurisdiction under Article 226 of the Constitution of India to interfere with a lawful investigation, therefore, he prayed that the writ petition be dismissed. 7. Heard learned counsel for the parties and perused the material available on record. 8. Having considered the rival submissions and upon perusal of the record, this Court is of the view that the

allegations contained in the F.I.R. disclose commission of a cognizable offence. At this stage, the investigation is in progress and this Court, in exercise of its extraordinary writ jurisdiction under Article 226 of the Constitution of India, would not embark upon an enquiry into the correctness or otherwise of the allegations or appreciate the evidentiary value of the material collected during investigation. The contentions raised on behalf of the petitioner involve disputed questions of fact, which cannot be adjudicated in the present proceedings.

9. It is well settled that the extraordinary power to quash a F.I.R. should be exercised sparingly and with circumspection, and only in cases where no cognizable offence is disclosed or where continuation of the proceedings would amount to an abuse of the process of law. In the facts and circumstances of the present case, this Court does not find any exceptional ground warranting interference in exercise of its writ jurisdiction.

10. Accordingly, no case for interference under Article 226 of the Constitution of India is made out. The writ petition, being devoid of merit, is hereby dismissed.

11. No order as to costs.

MAMTA RANI

(Alok Mahra, J.)
01.07.2026

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Digitally signed by MAMTA RANI
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