HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition (Criminal) No. 1284 of 2020

Nirdesh Kumar .....Petitioner

Versus

State of Uttarakhand and others ….Respondents

Mr. Rajat Mittal, Advocate for the petitioner.
Mr. Pratiroop Pandey, A.G.A with Mr. Siddharth Bisht, Brief Holder for the State.

JUDGMENT

Hon'ble Ravindra Maithani, J.(Oral)

The instant writ petition has been filed by the petitioner for quashing of an F.I.R No. 50 of 2020, under Sections 354 and 504 IPC, Police Station Buggawala, District Haridwar.

2. Heard learned counsel for the parties through video conferencing.

3. According to the FIR, on 23.07.2020 at 05:00 in the evening, when the victim was proceeding to get water from the stand, the petitioner molested and abused her. According to the FIR, the petitioner had molested the victim in the past also.

4. Learned counsel for the petitioner would argue that both petitioner and informant were known to each other for years together. They were childhood friends and, in fact, in past, the victim had borrowed money from the petitioner. On the date of incident, when the petitioner demanded his money back, he has been falsely implicated. Not only this, according to the learned counsel, thereafter, the brother of the victim had beaten the younger brother of the petitioner for which, a report has been lodged. At the end of his argument, learned counsel would argue that the case is covered by the

principles of law as laid down in the case of Arnesh Kumar Vs. State of Bihar and Another, (2014) 8 SCC 273.

5. This is a writ petition under Article 226 of the Constituting of India. Whatever arguments have been raised, they relates to the factual aspects of the matter. Impliedly, it is admitted that something happened on the date of incident. According to the victim, she was molested and abused. According to learned counsel for the petitioner, the petitioner had simply demanded his money back.

6. Be it as it may, the credibility and reliability of the version in the FIR may not be tested in this case, therefore, no interference is warranted.

7. Learned counsel for the petitioner would submit that the Police should follow the directions as given in the case of Arnesh Kumar (*supra*). In fact, what is requested is that the Court may remind the Police of its duties. This Court has no doubt that the Police would follow the directions in the case of Arnesh Kumar (*supra*), if any such occasion arises.

8. With the above observation the instant writ petition stands disposed of.

(Ravindra Maithani, J.)
18.08.2020

Shubham