HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Writ Petition No. 1423 of 2024

Reena and another .....Petitioners

Vs.

State of Uttarakhand and others ..... Respondents

Present : Mr. Raj Kumar Singh, Advocate for the petitioners.
Ms. Manisha Rana Singh, Deputy Advocate General for the State.

JUDGMENT

Hon'ble Ravindra Maithani, J. (Oral)

Instant petition has been filed for quashing the FIR No.07 of 2024 under Section 103 of the Bharatiya Nyaya Sanhita, 2023 ("the BNS, 2023"), Police Station Tyuni, District Dehradun.

2. Heard learned counsel for the parties and perused the record.

3. A father has filed a report about killing of his daughter, who was staying with her maternal grandmother. The allegations have been levelled against the mother and step father of the deceased.

4. Learned counsel for the petitioners would submit that instant FIR has been lodged on an application under Section 175(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("the BNSS, 2023") and before

ordering for investigation, the Magistrate had called a report from police. In that report, the police has concluded that the deceased had committed suicide. It is argued that offence under Section 103 of the BNS, 2023 is not made out. Therefore, intervention of the Court is required.

5. On the other hand, learned State counsel would submit that the FIR is lodged under Section 103 of the BNS, 2023 and the investigation is underway.

6. In the instant matter, on an application filed under Section 175(3) of the BNSS, 2023, the court had ordered for investigation. After lodging of the FIR, the investigation would proceed and the truth would be unearthed. Whether the deceased had committed suicide or any offence has been committed by any person that will fall for scrutiny or examination during investigation, but merely because police has once concluded in a report to the Magistrate that the deceased had committed suicide the FIR may not be quashed. A lawful investigation may not be stopped at its threshold. The FIR discloses commission of offences. As stated, its truthfulness would be examined. Therefore, this Court is of the view that there is no reason to make any

interference. Accordingly, the petition deserves to be dismissed at the stage of admission itself.

7. The petition is dismissed *in limine.*

(Ravindra Maithani, J.)
31.12.2024

Sanjay

SANJAY
KANOJIA