HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Criminal No. 385 of 2025

29 April, 2025

Parish Agarwal and Ors. --Petitioners

Versus

State of Uttarakhand and Ors. --Respondents

Presence:-

Mr. Shivam Sharma, learned counsel for petitioners.

Mr. S.C. Dumka, learned A.G.A. with Ms. Sweta Badola Dobhal, learned Brief Holder for the State of Uttarakhand/respondent Nos.1 & 2.

Hon'ble Pankaj Purohit, J.

Heard learned Counsel for the parties.

2. By means of the present writ petition, petitioners have put to challenge the FIR No.67 of 2025 dated 24.04.2025, under Sections 115(2), 316(2), 351(2), 352 and 74 of the B.N.S. Act, 2023, registered with Police Station Rajpur, District Dehradun and further for a direction to respondent Nos.1 & 2 not to arrest the petitioners pursuant to the aforesaid FIR.

3. It is contended by learned counsel for the petitioners that the respondent No.3 lodged the aforesaid FIR just to give color a civil dispute to a criminal act; petitioners have falsely been implicated by the respondent No.3 with an ulterior motive as the petitioners have never committed such offence as alleged by the respondent No.3-informant. It is further contended by him that the prosecution has

no material and reliable evidence to prove the allegations leveled against the petitioners and as such the prosecution has no legs to stand, hence, FIR against the petitioners are false and is abuse of process of law.

4. From perusal of the first information report, this Court is of the view that *prima-facie*, the commission of cognizable offences are made out against the petitioners. This Court is not a fact finding Court to look into as to whether the offences are proved or not at this stage. The offences alleged against the petitioners are very serious in nature, therefore, this Court doesn't want to interfere with the impugned FIR. Accordingly, the present criminal writ petition is dismissed *in-limine*.

5. Pending application, if any, stands disposed of accordingly.

(Pankaj Purohit, J.)
29.04.2025

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PREETI NEGI