



2025:UHC:6721

HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Criminal No.805 of 2025

31 July, 2025

Pushpa Devi Chauhan

--Petitioner

Versus

State Of Uttarakhand and Others

--Respondents

Presence:-

Mr. Ankur Sharma, learned counsel for petitioner, appeared through V.C.

Mr. Bhaskar Chandra Joshi, learned A.G.A. 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, petitioner has put to challenge the FIR No.0005 of 2025 dated 14.07.2025, u/s 103 of the B.N.S. 2023, registered with Police Station Govind Ghat, District Chamoli, as well as for a direction to respondents Nos.1 and 2 not to take any coercive action against the petitioner pursuant to the aforesaid FIR.

3. It is contended by learned counsel for the petitioner that a false prosecution has been initiated against the petitioner despite the fact that there is no evidence or eyewitness available with the police regarding the involvement of petitioner in the alleged crime, the police is trying to arrest the petitioner. He further submits that the petitioner is villager and innocent lady of 49 years, moreover, the dead body of the deceased was found hanged in jungle without any injury. The deceased committed suicide the reason best known to him, in spite of the fact the



informant dragged the whole family of the petitioner in the present crime. From perusal of the impugned FIR, it is very much clear that no offence is made out against the petitioner.

4. Per contra, learned State Counsel supported the story narrated in the FIR and submits that *prima-facie*, the offences are made out against the petitioner.

5. From perusal of the first information report, this Court is of the view that *prima-facie*, the commission of cognizable offences is 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. Moreover, the petitioners do not fall within the parameters given in the case of ***Neeharika, Infrastructure Private Limited Vs. State of Maharashtra and others*** reported in ***(2021) 19 SCC 401***, therefore, this Court declines to exercise its extraordinary jurisdiction under Article 226 of the Constitution of India.

6. Accordingly, the present criminal writ petition is dismissed *in-limine*.

7. Pending application(s), if any, stands disposed of accordingly.

(Pankaj Purohit, J.)

31.07.2025