



2025:UHC:1234

HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Criminal No. 932 of 2024

20 February, 2025

Naresh Singh

--Petitioner

Versus

State of Uttarakhand and others

--Respondents

Presence:-

Mr. Rajat Mittal, learned counsel for the petitioners.

Mr. Mr. B.C. Joshi, A.G.A. with Ms. Sweta B. Dobhal, B.H. for the State of Uttarakhand/respondent Nos.1 to 8.

Mr. Hemant Singh Mahra, learned counsel for respondent Nos.15, 16 & 17.

Hon'ble Pankaj Purohit, J. (Oral)

Heard learned counsel for the parties.

2. By means of this writ petition, the petitioner has prayed for the following relief(s):-

- i. a writ, order or direction in the nature of Mandamus directing respondent no.4 and 5 to register the FIR and initiate investigation in pursuance to the complaint dated 07.08.2024 against the respondent no.6 to 18 and take appropriate action against them, in the interest of justice;*
- ii. a writ, order or direction in the nature of Mandamus directing the respondent no.4 and 5 to conduct fair, proper and impartial investigation;*
- iii. a writ, order or direction in the nature of Mandamus directing the respondent no.6 to 18 to compensate the petitioner and his family members for irreparable loss caused by bulldozing their house;*
- iv. a writ, order or direction in the nature of Mandamus directing the respondent no.1 to 3 to initiate departmental proceedings against the respondent no.6 to 8 for*



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having failed to perform their duty and acting highhandedly.

v. Award the cost of the petition.

3. Counter affidavit with delay condonation application has been filed on behalf of the State / respondent nos.2, 3, 6 to 8. The delay condonation applications (IA/1/2024 and IA/2/2024) are allowed for the reasons stated therein and the delay in filing the counter affidavit(s) is condoned. Counter affidavit filed on behalf of respondent nos.2, 3, 6 to 8 are taken on record.

4. The petition is apparently misconceived as there is clear provision in the Code of Criminal Procedure (for Short “Cr.P.C.”) as well as Bharatiya Nagarik Suraksha Sanhita, 2023 (for Short “BNSS”) as to what is to be done when the First Information Report is not lodged by the Police of the cognizable offence. Section 175(3) of the BNSS also deals with it in the same manner.

5. Instead of making such an application before the Court of competent jurisdiction, the petitioner has filed the present writ petition before this High Court for registration of and investigation on an FIR.

6. In view of the above, the present writ petition is misconceived and the same is, accordingly, dismissed. However, the petitioner is free to move an appropriate application before the Court of competent jurisdiction, as per law.

(Pankaj Purohit, J.)
20.02.2025

ss