IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition (Criminal) No. 998 of 2025

Manisha .....Petitioner

Vs.

State of Uttarakhand and others ..Respondents

With

Writ Petition (Criminal) No. 1422 of 2025

Ankit Kumar .....Petitioner

Vs.

State of Uttarakhand and others ..Respondents

Presence: Mr. S.R.S. Gill, learned counsel for the Petitioner.
Mr. R. P. Nautiyal, learned Senior Counsel assisted by Mr. Lalit Sharma, learned counsel, for Respondent.
Mr. Rakesh Negi, learned brief holder for State of Uttarakhand.

Hon'ble Ashish Naithani, J.

These two writ petitions have been heard together and are being decided by this common judgment, as they arise out of the same FIR, pertain to the same incident, involve inter se rival parties, and seek substantially identical reliefs.

2. Both petitions arise out of FIR No.951 of 2024, registered at Police Station Kotwali Manglore, District Haridwar, for offences under Sections 115(2), 190, 191(2), 191(3), 333, 351(2) and 352 of the Bharatiya Nyaya Sanhita, 2023.

3. The FIR relates to an incident dated 24.09.2024, in which a physical altercation is alleged to have taken place between two groups belonging to the same village. The incident resulted in injuries on both sides and the death of one individual.

4. It is not in dispute that cross FIRs were lodged arising out of the same incident. While FIR No. 802 of 2024 was lodged on 25.09.2024 at the instance of Ankit Kumar, FIR No. 951 of 2024 was subsequently lodged on 12.11.2024 at the instance of Manisha.

5. Investigation in FIR No. 802 of 2024 culminated in the filing of a charge sheet. In FIR No. 951 of 2024, an investigation was undertaken, a report was earlier submitted, and the matter was thereafter returned by the supervisory authority for further investigation, which is stated to be in progress.

6. In WPCRL No. 998 of 2025, Manisha seeks directions alleging that the investigation in FIR No. 951 of 2024 is unfair and that no effective action has been taken against the accused persons named therein.

7. In WPCRL No. 1422 of 2025, Ankit Kumar, who is arrayed as an accused in FIR No. 951 of 2024, alleges that the said FIR is a counterblast to FIR No. 802 of 2024 and seeks transfer of investigation on the ground of bias and lack of fair investigation.

8. In substance, both petitions allege unfair investigation, loss of faith in the Investigating Officer, and seek transfer of the investigation of FIR No. 951 of 2024 from the regular police to CBCID or some other independent agency.

9. This Court has heard learned counsel for the parties and perused the records.

10. Learned counsel for the Petitioners submitted that the investigation in FIR No. 951 of 2024 is not being conducted in a fair,

impartial, and transparent manner. It was contended that despite the seriousness of the incident dated 24.09.2024, the investigation has not culminated in the filing of a charge sheet.

11. Learned counsel for Petitioner-Manisha urged that the injuries sustained by her family members were serious and involved vital parts of the body, and that such gravity warranted prompt and effective investigation, which, according to the Petitioner, has not been undertaken.

12. It was further argued that the investigation in the cross FIR, namely FIR No. 802 of 2024, was completed expeditiously and culminated in the filing of a charge sheet, whereas the investigation in FIR No. 951 of 2024 remains inconclusive, thereby demonstrating unequal treatment.

13. Learned counsel for Ankit Kumar submitted that FIR No. 951 of 2024 is a counterblast to FIR No. 802 of 2024, lodged earlier in point of time, and that the investigation suffers from bias.

14. Learned counsel for both Petitioners relied upon Article 21 of the Constitution of India to contend that fair investigation is an integral facet of the right to life and personal liberty, warranting intervention by this Court.

15. Per contra, learned Deputy Advocate General appearing for the State opposed the writ petitions and submitted that the matter arises out of a single incident resulting in cross FIRs, and that investigation in such cases requires careful assessment of rival versions.

16. Learned counsel for the State contended that mere delay in filing of a charge sheet, particularly when further investigation is stated to be ongoing, does not justify the invocation of writ jurisdiction.

17. It was further submitted that allegations of bias are general and unsupported by material, that transfer of investigation is an extraordinary measure, and that the Petitioners have efficacious alternative remedies available under the criminal law framework.

18. At this juncture, this court observes that the core issue that arises for consideration is whether the present case discloses such exceptional circumstances as would warrant interference by this Court with an ongoing criminal investigation in exercise of jurisdiction under Article 226 of the Constitution of India.

19. The power of judicial review under Article 226, particularly in matters relating to criminal investigation, is not meant to supplant statutory procedures or to substitute judicial opinion for investigative discretion. Interference is justified only where the investigation is shown to be wholly arbitrary, mala fide, or conducted in patent violation of statutory or constitutional safeguards.

20. In the present case, it is an admitted position that the incident dated 24.09.2024 resulted in cross FIRs. Each side claims to be the victim and alleges aggression by the other. Such cases, by their very nature, involve rival narratives and contested factual assertions relating to the sequence of events, the role of individual participants, and the degree of culpability.

21. Determination of such disputed questions of fact necessarily requires an appreciation of evidence, examination of witnesses, and evaluation of medical and forensic material. These are matters that fall squarely within the domain of investigation and trial. A writ court, while exercising jurisdiction under Article 226, cannot assume the role of a fact-finding authority.

22. The principal grievance raised by the Petitioners is that the investigation in FIR No. 951 of 2024 has not culminated in the filing of a charge sheet, whereas the investigation in FIR No. 802 of 2024 has already resulted in a charge sheet. However, the record reflects that in FIR No. 951 of 2024, a report was earlier submitted and was returned by the supervisory authority for further investigation. Further investigation is stated to be ongoing.

23. Mere delay in investigation, absent material to show deliberate inaction or mala fides, cannot by itself furnish a ground for issuance of a writ of mandamus. Criminal investigations, particularly those involving cross versions and serious allegations, often require time for careful scrutiny and corroboration of evidence.

24. The allegations of bias, connivance, and lack of fairness levelled against the Investigating Officer are general in nature. No specific act or omission has been pointed out that would prima facie establish the investigation as being conducted with a predetermined intent to implicate or exonerate any party.

25. The prayer seeking transfer of the investigation to an independent agency, such as the CBCID, warrants careful scrutiny. Transfer of investigation is an extraordinary measure, not to be

ordered routinely, and cannot be directed merely because one or both parties have lost faith in the investigation or because rival versions exist.

26. Acceptance of such a plea would result in a situation where, in cases involving cross FIRs, parties would invariably seek transfer of investigation by alleging bias, thereby undermining the statutory framework governing criminal investigation.

27. While fair investigation is undoubtedly a component of the right guaranteed under Article 21 of the Constitution of India, the said right does not confer upon a complainant or an accused the right to dictate the manner, pace, or forum of investigation. Article 21 operates within the boundaries of the procedure established by law.

28. It is also relevant to note that the criminal law provides adequate safeguards and remedies. The Petitioners are not remediless and are at liberty to approach the jurisdictional Magistrate with appropriate applications relating to investigation or further investigation. Invocation of writ jurisdiction without exhausting such remedies is not warranted.

29. Entertaining the present writ petitions would inevitably require this Court to express views on matters which are likely to arise during trial, thereby risking prejudice to the criminal proceedings. Judicial restraint, in such circumstances, is not only appropriate but necessary.

30. Upon cumulative consideration of the facts, the nature of the allegations, the stage of investigation, and the settled principles

governing interference with criminal investigation, this Court is of the view that no exceptional circumstance is made out so as to warrant the exercise of extraordinary jurisdiction under Article 226 of the Constitution of India.

ORDER

Both Writ Petition (Criminal) No. 998 of 2025 and Writ Petition (Criminal) No. 1422 of 2025 are **dismissed**.

The observations made herein are confined to the adjudication of the present writ petitions and shall not be construed as an expression on the merits of the case or on the rival contentions of the parties in any criminal proceedings arising out of the incident in question.

(Ashish Naithani J.)
04.12.2025

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