HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Criminal No. 2238 of 2026

5th November, 2026

Suraj Kumar

--Petitioner

Versus

State Of Uttarakhand and others

--Respondents

Presence:-
Ms. Priya Mewari, learned Counsel for the petitioner.
Ms. Sweta Badola Dobhal, learned B.H. for the State.

Hon'ble Pankaj Purohit, J. (Oral)

This writ petition has been filed by petitioner seeking a writ or direction in the nature of certiorari for quashing the FIR No.0074 of 2026 dated 19.09.2026 under Sections 115(2), 304(2), 351(2) of BNS and Sections 3/4 of the POCSO Act registered at P.S. Banbasa, District Champawat.

2. The brief facts of the case are that the petitioner and the informant came into contact through Instagram on 13.01.2022 and thereafter developed communication with each other. As per the FIR, the petitioner allegedly established physical relations with the informant on several occasions on the promise of marriage. It is further alleged that on 03.09.2026, an altercation took place involving the informant, the petitioner and his mother, during which the informant was assaulted and her mobile phone was snatched. Thereafter, the petitioner allegedly took the informant to a hotel at Tanakpur, where they again established physical relations. Upon the petitioner's subsequent

refusal to marry her, the informant allegedly consumed rat poison and was admitted to hospital. On the basis of the complaint lodged by her, FIR No. 0074 of 2026, dated 19.09.2026, came to be registered at Police Station Banbasa, District Champawat, under the aforesaid penal provisions.

3. Learned counsel for the petitioner submitted that the impugned FIR has been lodged on false and fabricated allegations, with the ulterior motive of pressurising the petitioner into marrying the informant. It was contended that the petitioner was undergoing training and thereafter discharging his duties in the Indo-Tibetan Border Police (ITBP), and the allegations regarding repeated physical relations are inconsistent with his official commitments. It was further submitted that the informant was a major at the time of the alleged incidents and that the relationship between the parties was consensual. Learned counsel also alleged that the informant and her family members were demanding money from the petitioner and, upon his refusal, the present criminal proceedings were initiated to harass him. Accordingly, it was prayed that the impugned FIR be quashed.

4. Learned State Counsel on the other hand submitted that the investigation has revealed material circumstances lending support to the prosecution case. Reference was made to the verification report dated 02.11.2026, wherein entries in the visitors' registers of Bohra Ji Hotel, Banbasa, dated 13.02.2026, and Kumar Hotel, Tanakpur, dated 03.09.2026, have been verified in the name of the petitioner. It was further pointed out that

the petitioner had married one Jyoti on 07.02.2026 and, therefore, was already married at the time of his subsequent visit to Kumar Hotel with the informant. The instructions supplied by learned State Counsel are taken on record. Learned State Counsel submitted that these circumstances, coupled with the allegations in the FIR, disclose a serious case warranting investigation and that the proceedings ought not to be interdicted at this stage.

5. Having heard learned counsel for the parties and upon perusal of the material available on record, this Court is of the considered opinion that no ground for interference with the impugned FIR is made out. The allegations levelled against the petitioner are serious in nature and relate to the alleged establishment of physical relations with the informant on the promise of marriage. It is relevant to note that the informant was born on 02.09.2005 and was a minor when she allegedly came into contact with the petitioner in January 2022. Further, the verification report dated 02.11.2026 records entries in the petitioner's name in the hotel registers on 13.02.2026 and 03.09.2026. It also records that the petitioner had married another woman on 07.02.2026, prior to his subsequent visit with the informant. The aforesaid circumstances, coupled with the allegations in the FIR, warrant a proper investigation. The defence raised by the petitioner, including his claim of being occupied with official duties in the ITBP and the assertion that the relationship was consensual, involves disputed questions of fact which cannot be examined in detail in the present proceedings. The veracity of the allegations and the evidentiary value of the material collected are matters for investigation.

6. In view of the nature of the allegations and the material available on record, this Court finds no exceptional ground warranting exercise of its extraordinary jurisdiction under Article 226 of the Constitution of India. Interference with the investigation at this stage would, therefore, be unwarranted.

7. The criminal writ petition is accordingly dismissed.

8. Pending application, if any, stands disposed of.

(**Pankaj Purohit, J**.)
04.11.2026

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RAJEEV DANG

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