SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			WPCRL/2317/2026 Vijaypal And Ors --Petitioner **Versus** State Of Uttarakhand --Respondent **Hon'ble Alok Mahra, J.** Mr. S.C. Burman, learned counsel for the petitioner. 2. Mr. Tumul K. Nainwal, learned A.G.A. for the State. 3. By means of the present writ petition, filed under Article 226 of the Constitution of India, the petitioners have prayed for issuance of a writ, order or direction in the nature of certiorari for quashing the First Information Report/Case Crime No. 378 of 2026 dated 26.04.2026 registered at Police Station Lakshar, District Haridwar, for the offences punishable under Sections 115(2), 117(2), 333, 74 of B.N.S.. The petitioners have further prayed for issuance of a writ, order or direction in the nature of mandamus commanding the respondent authorities not to arrest the petitioners pursuant to the aforesaid F.I.R.

			4. Learned counsel appearing for the petitioners would submit that, as per the prosecution case, the F.I.R. was lodged by the informant alleging that, on 19.04.2026, at about 9:15 P.M., the petitioners and their family members abused and assaulted the brother and sister of the informant when they were attending the birthday celebration of their uncle. 5. Learned counsel for the petitioners would further submit that the petitioners are innocent and have falsely been implicated in the present case; that, although the alleged incident took place on 19.04.2026, the F.I.R. was lodged on 26.04.2026, after a delay of seven days, without any satisfactory explanation for the same; that, there is an existing property dispute between the parties and, owing to ulterior motives, the informant has given a criminal colour to the dispute by lodging the impugned F.I.R., therefore, the impugned F.I.R. is liable to be quashed. 6. Per contra, learned State counsel would vehemently oppose the submissions advanced by learned counsel for the petitioners and, on the basis of instructions received, would submit that the petitioners are not cooperating with the investigation and have failed to appear before the

			Investigating Officer despite service of notices; that, the petitioners are absconding and that proceedings under Section 84 of the B.N.S.S. have been initiated against them. Learned State counsel would further submit that the aforesaid material facts have been concealed by the petitioners and that they have not approached this Court with clean hands, therefore, the petitioners are not entitled to any relief at this stage. 7. Having heard learned counsel for the parties and upon perusal of the material available on record, this Court finds that the allegations raised by the petitioners regarding the delay in lodging the F.I.R. and the alleged property dispute between the parties are matters which, in the facts and circumstances of the present case, cannot be conclusively examined at this stage. The question as to whether the allegations in the impugned F.I.R. are genuine or have been made with an ulterior motive would require consideration in the course of investigation and, if necessary, during trial. 8. It is further evident from the submissions advanced by learned State counsel, on the basis of instructions received, that the petitioners have not cooperated with the investigation

despite notices issued to them and that proceedings under Section 84 of the B.N.S.S. have been initiated against them. In these circumstances, this Court is not inclined to exercise its extraordinary jurisdiction under Article 226 of the Constitution of India for quashing the impugned F.I.R. at this stage.

9. Accordingly, no ground for interference is made out. The petitioners are, therefore, not entitled to any relief in the present criminal writ petition at this stage.

10. Consequently, the present criminal writ petition is dismissed.

11. It is, however, clarified that the observations made hereinabove are confined to the adjudication of the present petition and shall not prejudice the petitioners' defence or the investigation in any manner. The Investigating Officer shall proceed with the investigation strictly in accordance with law.

12. No order as to costs.

(Alok Mahra, J.)
26-11-2026

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MAMTA RANI

Digitally signed by MAMTA RANI
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