

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Writ Petition No. 742 of 2011

Radhey Shyam Saxena
S/o Shri Kaushal Kishore
(Husband of late Kanta Devi Female Head
Constable)
R/o Jail Line, District Jail Roshnabad
District Haridwar

.....Petitioner

Versus

1. State of Uttarakhand through its Secretary Home
Dehradun
2. Station House Officer,
P.S. Ranipur
District Haridwar
3. Shri Mahendra Singh Gwal
Police Inspector, District Jail
Roshnabad, District Haridwar

.....Respondents

Mrs. Indu Sharma, Advocate, present for the petitioner.
Mr. S.S. Adhikari, A.G.A., present for the State.

Hon'ble Prafulla C. Pant, J.

Heard.

2. By means of this writ petition moved under
Article 226 of Constitution of India, the petitioner
has sought quashing of the First Information Report
dated 18.08.2011, registered as crime no. 319 of 2011,

relating to offences punishable under section 447, 448 IPC, and one punishable under section 11 of U.P. Public Premises (Eviction of Unauthorized Occupants) Act, 1972, Police Station Ranipur, District Haridwar.

3. Learned counsel for the petitioner submitted that the petitioner is husband of Kanta who was Female Head Constable in District Jail, Haridwar. Said employee died on 08.06.2009. Since then, the government quarter in jail premises is said to have been not vacated. After, several requests and notices were issued to the petitioner. It is mentioned in the FIR that it is causing security threat in the jail premises of the Government.

4. Having considered submissions of learned counsel for the petitioner, and learned counsel for the State, and after going through the papers on record, this Court is not inclined to interfere with the investigation of the case.

5. Therefore, this writ petition is dismissed summarily with the observation that if the petitioner Radhey Shyan Saxena surrenders before the court concerned his bail application shall be

heard, and disposed of without unreasonable delay.
(Stay application no. 8970 of 2011, stands disposed
of)

(Prafulla C. Pant, J.)

30.08.2011

Panul