

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<p>WPCRL No. 1252 of 2022  <u>Hon'ble Manoj Kumar Tiwari, J.</u></p> <p>Mr. Ravi Bisht, Advocate for the petitioners.</p> <p>Mr. Sachin Panwar and Mr. P.S. Uniyal, Brief Holder(s) for the State.</p> <p>Heard learned counsel for the parties.</p> <p>By means of present writ petition, petitioners have prayed for quashing of F.I.R. No. 43 of 2022, under Sections 323, 504, 506 and 427 IPC, registered at Police Station Talitaal, District Nainital.</p> <p>The impugned F.I.R. is on record as Annexure No.-1 to the writ petition.</p> <p>It is alleged in the F.I.R. that on 25.06.2022 complainant alongwith his friends went to a camp, on the issue of playing D.J., they had altercation with the petitioners, who are owner of the said camp, who teased complainant's friend namely, Ms. Priyanka Tyagi. When complainant objected, petitioners assaulted the complainant and his friend Rahul Yadav. It is further alleged in the</p>

		<p>FIR that petitioners hurled abuses and threatened them of dire consequences and they also broke complainant's phone.</p> <p>Learned counsel for the petitioners submits that allegations in the F.I.R. are false and concocted and there is delay of two days. He submits that from the averment of FIR, no prima-facie offence is made out, therefore, the impugned F.I.R. deserves to be quashed.</p> <p>Whether the allegation made in the F.I.R. against petitioners is correct or not, cannot be adjudicated at this stage. It is a matter of trial.</p> <p>Since F.I.R. discloses commission of cognizable offence and none of the parameters laid down by Hon'ble Supreme Court in the case of M/s Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra &amp; others, reported in AIR 2021 SC 1918, are fulfilled for quashing F.I.R. in exercise of power under Article 226 of the Constitution, this Court is not inclined to interfere in the matter.</p> <p>Accordingly, writ petition is dismissed.</p>
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			<p>Learned AGA submits that all the offences are punishable for less than seven years.</p> <p>In such view of the matter, this Court hopes &amp; expects that Investigating Officer, while making arrest pursuant to impugned F.I.R., will bear in mind the law laid down by Hon'ble Supreme Court in the case of Arnesh Kumar vs. State of Bihar and another, reported in (2014) 8 SCC 273.</p> <p>(Manoj Kumar Tiwari, J.) 30.06.2022</p> <p>Shubham</p>
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