

HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition (Criminal) No. 1053 of 2023

Sameer (Minor)Petitioner

Versus

State of Uttarakhand and othersRespondents

Present:-

Mr. Rajveer Singh, Advocate for the petitioner.
Mr. Lalit Miglani, A.G.A. (through video conferencing)
with Ms. Sonika Khulbe, Brief Holder for the State of
Uttarakhand/respondents.

JUDGMENT

Hon'ble Ravindra Maithani, J. (Oral)

The challenge in this petition is made to the
FIR No.380 of 2023, dated 13.06.2023, under Sections 3,
5, 11 of the Uttarakhand Protection of Cow Progeny Act,
2007, Police Station Bhagwanpur, District Haridwar.

2. Heard learned counsel for the parties and
perused the record.

3. According to the FIR on 13.06.2023, the police
was on patrolling duty received an information that the
petitioner along with the co-accused are in the process of
slaughtering a cow. The police reached at the spot and
found beef, cutting and weighing instruments. The co-
accused was arrested on the spot and it is he, who

revealed it to the police that it was the petitioner, who was also involved in slaughtering a cow.

4. Learned counsel for the petitioner would submit that the co-accused has already been granted bail; the co-accused has named the petitioner, therefore, the petitioner may be protected from arrest.

5. It is a petition under Article 226 of the Constitution of India for quashing an FIR. If FIR discloses commission of offences, generally no interference is warranted unless there are compelling circumstances to do so.

6. The FIR reveals that the police upon the information having been received raided a place and found beef and other instruments. The police had an information that the petitioner is also involved in the process of slaughtering a cow. The matter is still under investigation. It is the Investigating Officer to examine the credibility of the FIR and to find out the role of the accused, if any. The FIR itself is not a document which may be considered as proof of the case. It is just information of the case. The FIR discloses commission of offence. What is its truthfulness and credibility, it will fall

for scrutiny during the investigation or trial, as the case may be. Therefore, there is no reason to make any interference in this petition. Accordingly, the petition deserves to be dismissed at the stage of admission itself.

11. The petition is dismissed *in limine*.

(Ravindra Maithani, J.)

31.07.2023

Sanjay