



**HIGH COURT OF UTTARAKHAND AT NAINITAL**

**Writ Petition Criminal No. 399 of 2025**

**30 April, 2025**

Mohd. Sahil

--Petitioner

**Versus**

State of Uttarakhand and Ors.

--Respondents

**Presence:-**

*Mr. Raj Kumar Singh, learned counsel for petitioner.*

*Mr. Bhaskar Chandra Joshi, learned A.G.A. with Ms. Sweta Badola Dobhal, learned Brief Holder for the State of Uttarakhand/respondent Nos.1 and 2.*

**Hon'ble Pankaj Purohit, J.**

Heard learned Counsel for the parties.

2. By means of the present writ petition, petitioner has put to challenge the FIR No.81 of 2025 dated 11.04.2025, for the offences punishable under Sections 376, 506 of the IPC and under Section 51/6 of the Protection of Children from Sexual Offences Act, 2012, registered with Police Station Sahaspur, District Dehradun and further for a direction to respondent No.2 not to arrest the petitioner pursuant to the aforesaid FIR.

3. The brief facts of the case are that the respondent No.3 lodged the aforesaid FIR alleging therein that on the pretext of false promise of marriage the petitioner made physical relation with



the respondent No.3-complainant and when the respondent No.3-complainant turned major, she asked the petitioner for marriage but he refused to do so.

4. It is contended by learned counsel for the petitioners that the respondent No.3 and petitioner are residence of same village and are relative, hence the respondent No.3 wants to marry with the petitioner, but the family member of respondent No.3 are not in favour of her marriage considering her age and when the marriage of the present petitioner was solemnized with another girl on 11.04.2025, respondent No.3 lodged the FIR.

5. It is further contended by him that the respondent No.3 did not file any medical examination reports in support of the allegation mentioned in the impugned FIR which shows the falsity of this case; the petitioner neither committed any rape upon the respondent No.3 nor threatened her, hence no offence is made out against him. He also submits that the petitioner has falsely been implicated by the respondent No.3 for her ulterior motive; the petitioner has no previous criminal history.

6. From perusal of the first information report, this Court is of the view that *prima-facie*, the commission of cognizable offences are made out against the petitioner. This Court is not a fact finding Court to look into as to whether the offences are proved or not at this stage. The offences alleged



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against the petitioner are very serious in nature, therefore, this Court doesn't want to interfere with the impugned FIR. Moreover, the petitioner does not fall within the parameters given in the case of ***Neeharika, Infrastructure Private Limited Vs. State of Maharashtra and others*** reported in ***(2021) 19 SCC 401***, therefore, this Court declines to exercise its extraordinary jurisdiction under Article 226 of the Constitution of India.

7. Accordingly, the present criminal writ petition is dismissed *in-limine*.

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

**(Pankaj Purohit, J.)**

30.04.2025

PN