

Anuradha Vs. State of H.P. & Ors.

Cr.MMO No.1012 of 2025

Reserved on:.17.10.2025

31.10.2025 Present: M/s Kunal Madaan, Naresh K Sharma and Bhawna Advocates, for the petitioners.
Mr Jitender Sharma, Additional Advocate General, for respondent No. 1.

Cr. MMO No. 1012 of 2025

Notice.

Mr Jitender Sharma, learned Additional Advocate General, appears and waives service of notice on behalf of respondent No.1-State. He prays for and is granted four weeks to file reply.

Issue notice to respondent No. 2 returnable within four weeks, on taking steps within one week.

Cr. MP No. 4630 of 2025

Notice in the aforesaid terms.

The applicant has sought the stay of further proceedings in FIR No. 147/2025 dated 23rd September 2025 registered at Police Station, Palampur District, Kangra, for the commission of an offence punishable under Section 308 (2) of Bhartiya Nyaya Sahinta, 2023 (BNS). As per the allegations made in the FIR, the applicant

threatened to implicate the informant in a false case and asked him to pay her the money. It was submitted that these allegations, even if accepted to be correct, do not constitute the commission of any offence. *Prima facie*, this submission is not acceptable. Sections 308 (6) and 308 (7) of BNS provide that a false accusation of having committed an offence constitutes extortion.

Mr.Kunal Madaan, learned counsel for the petitioner submitted that the State be directed not to take any coercive steps against the petitioner during the investigation.

It was laid down by the Hon'ble Supreme Court in *AP Mahesh Cooperative Urban Bank Shareholders Welfare Association Versus Ramesh Kumar Bung and others*, 2021 (9) SCC 152 that the High Court cannot pass an interim order to stay the proceedings or directing that no coercive steps except in the case of exceptional circumstances.

This position was reiterated in *Siddharth Mukesh Bhandari v. State of Gujarat*, (2022) 10 SCC 525; (2023) 1 SCC (Cri) 384; 2022 SCC OnLine SC 952. Therefore, it is impermissible to stay the proceedings or pass an order that no coercive steps will be taken against the petitioner. It will be open for the petitioner to seek bail from the competent Court as per the law to protect her interest.

Reply on behalf of respondent No.1, if any, be filed in the meantime.

List after four weeks.

(Rakesh Kainthla)
Judge

31st October 2025
(ravinder)