

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<p data-bbox="643 405 900 432">WPCRL No. 178 of 2024</p> <p data-bbox="643 439 1139 479"><u>Hon'ble Rakesh Thapliyal, J.</u></p> <ol data-bbox="643 517 1509 2063" style="list-style-type: none"> <li data-bbox="643 517 1509 600">1. Mr. Mani Kumar, learned counsel for the petitioner. <li data-bbox="643 607 1509 689">2. Mr. Saurabh Pandey, learned Brief Holder for the State. <li data-bbox="643 696 1509 779">3. Mr. Harsh Vardhan Dhanik, learned counsel for the caveator. <li data-bbox="643 786 1509 1160">4. By the instant writ petition, the petitioner, who is the widow having three minor children and married with the son of complainant died during Covid, is challenging the FIR dated 20.10.2023 lodged by respondent no. 3 bearing FIR No. 200 of 2023, whereby, the present applicant has been implicated for the offences punishable under Sections 420, 467, 468 and 471 of IPC, P.S. Pantnagar, District Udham Singh Nagar. <li data-bbox="643 1167 1509 1809">5. It is submitted by the learned counsel for the petitioner that the petitioner was married with the son of respondent no. 3 in the year 2012 and, thereafter, three children were born due to this wedlock, but, unfortunately the husband of the petitioner (son of the complainant) died during Covid period. It is submitted by the learned counsel for the petitioner that there is a House No. 70 located at Shakti Vihar Colony, Jagatpura, Rudrapur, District Udham Singh Nagar, wherein, the present applicant is residing with her three minor daughters. It is submitted that the said House No. 70 was gifted by the complainant to her son, who married with the present petitioner, but he died during Covid and, thereafter, the house is now recorded in the name of the present petitioner. <li data-bbox="643 1816 1509 2063">6. It is submitted by the learned counsel for the petitioner that in fact only with intention to take back this house, which was gifted by the complainant to his son, this FIR has been lodged. It is submitted that only with a malafide intention with ulterior purpose and motive the FIR has been lodged.

			<p>7. During the course of argument, the petitioner is present with her father-in-law Govind Lal, who is husband of the complainant. This Court also interacts to each of them and the father-in-law of the petitioner (husband of complainant) and on interaction he submits that not only the petitioner, but he himself is being harassed by respondent no. 3 and his younger son Kishan Kumar, who wants to take back this property.</p> <p>8. This Court, prima-facie is of the view that in respect of such allegation FIR should not be registered.</p> <p>9. Let the State may justify their stand by way of filing counter affidavit.</p> <p>10. State counsel Mr. Saurabh Pandey accepts notice on behalf of respondent nos. 1 and 3.</p> <p>11. Mr Harsh Vardhan Dhanik accepts notice on behalf of respondent no. 3.</p> <p>12. Let the counter affidavit be filed by the respondents within a period of four weeks.</p> <p>13. Thereafter, two weeks' time is granted to the petitioner for filing rejoinder affidavit.</p> <p>14. List this matter on 30.04.2024.</p> <p>15. In the meantime, no investigation shall be carried out in respect of the FIR being FIR No. 200 of 2023 lodged at P.S. Pantnagar, District Udham Singh Nagar.</p> <p style="text-align: right;">(Rakesh Thapliyal, J.) 27.02.2024</p> <p>PR</p>
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