



2025:UHC:801

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>WPCRL/1000/2021</u> <u>Hon'ble Manoj Kumar Tiwari, J.</u> Mr. Rajat Mittal, learned counsel for the petitioners. Mr. K.S. Bora, learned Deputy Advocate General for the State of Uttarakhand. 2. Petitioners have sought quashing of FIR No. 0110 of 2021, for offences punishable under Sections 447 and 448 IPC. The said FIR was registered at P.S. Clement Town, District Dehradun on 13.06.2021. 3. Learned State Counsel submits that, upon investigation, charge sheet has been filed in the matter on 05.09.2023. Thus, it is contended that writ petition has become infructuous. The said contention, however, cannot be accepted. Mere filing of charge sheet will not render the writ petition infructuous. 4. Hon'ble Supreme Court in the case of M/s Neeharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra & others, reported in AIR 2021 SC 1918, have laid down parameters for exercise of power under Article 226 of Constitution, in such matters. 5. The impugned F.I.R. is on record as Annexure No. 1 to the writ petition. Perusal of the F.I.R. reveals that ingredients of offence levelled against the petitioners is



			made out. 6. Whether the allegations are true or untrue, would have to be decided in trial. While exercising power under Article 226 of the Constitution, this Court is not expected to embark upon an enquiry into, whether there is reliable evidence or not. It is not a case where FIR does not, disclose any offence. None of the parameters laid down by Hon'ble Supreme Court, for invoking power under Article 226 of the Constitution for quashing an FIR, are met in the present case. 7. In such view of the matter, there is no scope for interference with the impugned FIR while exercising extraordinary power under Article 226 of the Constitution. 8. Accordingly, the writ petition fails and is dismissed. 9. Pending application(s), if any, stand disposed of. (Manoj Kumar Tiwari, J.) 12.02.2025 <i>Mahinder</i>
--	--	--	---