
(2024) 11 UK CK 0050

Uttarakhand High Court

Case No: Writ Petition (M/B) No. 533 Of 2024

Rishipal Singh And Others

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision: Nov. 20, 2024

Hon'ble Judges: Manoj Kumar Tiwari, J; Vivek Bharti Sharma, J

Bench: Division Bench

Advocate: Gaurav Kandpal, J.C. Pande

Final Decision: Dismissed

Judgement

Manoj Kumar Tiwari, J

1) Petitioners have challenged communication dated 30.09.2024, issued by District Panchayat Raj Officer, District Udham Singh Nagar to his

subordinate Assistant Development Officer (Panchayat), Kashipur, District Udham Singh Nagar.

2) By the said communication, the Assistant Development Officer (Panchayat) has been directed to lodge FIR against certain persons, who allegedly

made false statement on oath regarding a scheme floated by State Government, under which certain amount is given to the beneficiaries for

constructing toilets.

3) Learned counsel for the petitioners submits that petitioners were called as witness in an enquiry made against the Gram Pradhan and other

concerned officials, and petitioners gave affidavits on the asking of the authorities, and now they are being hounded only for the reason that they gave

an affidavit. Thus he submits that there is no material or basis whatsoever for registering FIR against the petitioners, and the direction issued by

impugned order, is thus not sustainable.

4) Any interference in the matter at this stage would be unwarranted. Whether, petitioners are guilty or innocent, cannot be decided by this Court

while exercising power of judicial review. By the impugned communication, District Panchayat Raj Officer has merely asked his subordinate officer to

register an FIR. It is for the police to investigate, and if no evidence is found against the petitioners, then closure report can also be filed by the

Investigating Officer. Merely by registration of FIR, no legal injury is going to be caused to the petitioners.

5) Thus, we find no scope of interference in the present writ petition. The writ petition, accordingly, fails and is dismissed. No orders as to cost.