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**(2024) 11 UK CK 0084**

**Uttarakhand High Court**

**Case No:** Criminal Writ Petition No. 1211 Of 2024

Shakul Navi

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

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**Date of Decision:** Nov. 5, 2024

**Acts Referred:**

- Bharatiya Nagarik Suraksha Sanhita, 2023 - Section 173(4), 175(3)
- Code Of Criminal Procedure, 1973 - Section 156(3)

**Hon'ble Judges:** Pankaj Purohit, J

**Bench:** Single Bench

**Advocate:** Mohit Kumar, Kuldeeep Singh Rawal, Meenakshi Sharma

**Final Decision:** Dismissed

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### **Judgement**

Pankaj Purohit, J

1. By means of this writ petition, the petitioner has sought indulgence of this Court for issuance of a direction to respondent no.2/S.S.P., District

Udham Singh Nagar to decide the representation of the petitioner in the light of Section 173(4) of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short B.N.S.S.).

2. Heard learned counsel for the parties.

3. It is submitted by learned counsel for the petitioner that petitioner when failed to get registered an FIR, has approached the S.S.P. Udham Singh

Nagar by sending an application to register the case. The said application of the petitioner is still pending consideration.

4. Feeling aggrieved by the inaction on the part of respondent no.2, petitioner is before this Court.

5. The submission made by learned counsel for the petitioner are totally bereft of merit and misconceived as well. In this event when the FIR is not being lodged despite having been sent an application to the S.S.P. Udham Singh Nagar, the petitioner has a remedy to make an application before the competent Magistrate having jurisdiction in the area under Section 175 (3) of B.N.S.S. 2023 (Old Section 156(3) of Cr.P.C.).
6. Accordingly, the writ petition is dismissed. However the petitioner is relegated to move such an application under Section 175(3) of B.N.S.S., 2023.