

**HIGH COURT OF UTTARAKHAND AT
NAINITAL**

Criminal Writ Petition No.358 of 2023

Lokesh Chand

....Petitioner

Versus

State of Uttarakhand and Others

....Respondents

Present:-

Mr. G.C. Kandpal and Mr. Vinod Tiwari, Advocates for the petitioner.

Mr. Lalit Miglani, A.G.A. for the State.

JUDGMENT

Hon'ble Ravindra Maithani, J. (Oral)

The petitioner seeks quashing of FIR No.37 of 2022, dated 09.02.2022, under Section 67A of the Information Technology Act, 2000, and Sections 504 and 506 IPC, Police Station Pithoragarh, District Pithoragarh.

2. Heard learned counsel for the parties and perused the record.

3. According to the FIR, Since January, 2022, some persons had been sending obscene messages to the informant through social media platform.

4. Learned counsel for the petitioner would submit that, in fact, during investigation, it was revealed that the SIM, which was used for sending such messages, belongs to some Umesh Singh and that person Umesh Singh told it to the Investigating Officer that he had given that SIM to the

petitioner, which has not been substantiated by any evidence. It is also argued that the informant, who is the victim, has given a statement that she does not want to proceed further with the case.

5. It is a petition under Article 226 of the Constitution of India. Generally, if an FIR discloses commission of any offences, no interference is warranted. What is being argued is that the informant does not want to press the case. Petitioner seeks quashing of the FIR. What is the truthfulness and credibility of the FIR, it is a matter within the domain of the Investigating Officer. This Court, based on some statement given by the informant, cannot adjudicate or quash the FIR.

6. Having considered, this Court is of the view that there is no reason to make any interference. Accordingly, the petition deserves to be dismissed, at the stage of admission itself.

7. The petition is dismissed *in limine*.

(Ravindra Maithani, J.)

28.02.2023