



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/2092/2018</u> Mritunjay Kumar Mishra --Petitioner Versus State Of Uttarakhand --Respondent <u>Hon'ble Alok Mahra, J.</u> Mr. Lalit Sharma and Ms. Anmol Sandhu, Advocates for the petitioner. Mr. Akshay Latwal, A.G.A. for the State of Uttarakhand. 2. By means of this writ petition, petitioner seeks quashing of F.I.R./Case Crime No.100 of 2018, under Section 386, 388, 120-B of I.P.C., registered at Police Station Rajpur, District Dehradun. 3. An F.I.R. was lodged by respondent no.3, who claimed himself to be a Reporter of a news channel, namely, Samachar Plus. It is alleged in the F.I.R. that the C.E.O. of the said news channel had assigned a task to the informant to conduct a sting operation of the then Chief Minister of the State. It is further alleged that the petitioner, along with certain other persons, was stated to have been informed by the C.E.O. as being capable of assisting the informant in securing an appointment with the then Chief Minister. According to the informant, he met the then Chief Minister; however, being apprehensive, he could not conduct the proposed sting operation. Thereafter, the C.E.O. and another person allegedly threatened him that, in case he failed to make the sting operation successful, his career would be ruined and he would be killed at a place where even birds could not reach. 4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated and that no specific overt act or role has been attributed to him in the F.I.R. It is contended that the only reference to the petitioner is that the C.E.O. of the channel had informed the informant that the petitioner would assist him in securing an appointment with the then Chief Minister. Learned counsel submits that, apart from the aforesaid reference, there is no allegation



			whatsoever against the petitioner suggesting that he had threatened, intimidated, demanded any amount or committed any act constituting an offence under Sections 386, 388 or 120-B of the I.P.C. It is further submitted that the investigation has already culminated in the filing of a charge-sheet against the C.E.O. of the channel and one Rahul Bhatia on 25.03.2019, whereas the petitioner has neither been charge-sheeted nor has any incriminating material been collected against him. It is, therefore, contended that permitting the criminal proceedings to continue against the petitioner, despite the absence of any material connecting him with the alleged offences, would amount to an abuse of the process of law and would cause undue harassment to the petitioner. Learned counsel for the petitioner has also placed reliance upon the judgment of the Hon'ble Supreme Court in Robert Lalchungnunga Chongthu alias R.L. Chongthu Vs. State of Bihar, reported in 2025 SCC OnLine SC 2511, wherein the Hon'ble Supreme Court expressed serious concern over an unexplained and inordinate delay in completion of investigation and observed that, although no rigid outer time-limit can ordinarily be prescribed for investigation, an unjustifiably prolonged investigation may, in an appropriate case, offend the accused's fundamental right to speedy trial guaranteed under Article 21 of the Constitution of India. It was further observed that where the investigating agency is unable to furnish a cogent justification for such prolonged investigation, an accused cannot be subjected indefinitely to the continuing threat and uncertainty of criminal proceedings. 5. Per contra, learned State Counsel submits that, after completion of investigation, charge-sheet was submitted against the C.E.O. of the channel and Rahul Bhatia on 25.03.2019. It is further submitted that during the course of investigation as many as ten Investigating Officers were changed, which fact is evident from paragraph no.11 of the counter affidavit filed on behalf of respondent no.1. However, learned State Counsel, on the basis of the instructions and the material disclosed in the counter affidavit, fairly submits that no incriminating material was found against the petitioner during the course of investigation and that the petitioner has not been charge-sheeted. 6. Having considered the rival submissions and upon perusal of the material placed on record, this Court finds that the continuation of the criminal proceedings against the petitioner cannot be justified. The allegations contained in the F.I.R., even if taken at their face value and accepted in their entirety, do not disclose any specific overt act on the part of the petitioner constituting the offences punishable under
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			Sections 386 or 388 of the I.P.C. The mere assertion that the C.E.O. had informed the informant that the petitioner would assist him in securing an appointment with the then Chief Minister, without any further allegation of threat, extortion, putting the informant in fear of injury, or participation in the alleged criminal conspiracy, cannot by itself constitute the ingredients of the offences alleged against the petitioner. More importantly, the investigation has already been concluded and has resulted in the filing of a charge-sheet against two other accused persons. The investigating agency, despite having changed ten Investigating Officers during the course of investigation, has admittedly not collected any incriminating material against the petitioner. The State itself has fairly conceded that the petitioner has not been charge-sheeted. Thus, there is no material before this Court which may prima facie connect the petitioner with the commission of the offences alleged in the F.I.R. 7. It is also significant that the F.I.R. pertains to the year 2018 and the charge-sheet against the other accused persons was submitted as far back as on 25.03.2019. Despite the passage of considerable time thereafter, the investigating agency has not collected any material against the petitioner. In such circumstances, keeping the petitioner under the perpetual apprehension of criminal prosecution, without there being any material capable of sustaining such proceedings, would be contrary to the principles of fairness and would amount to subjecting him to an indefinite and unwarranted criminal process. The power under Article 226 of the Constitution of India, read with the principles governing exercise of inherent jurisdiction to prevent abuse of the process of law, can certainly be exercised where the allegations, even if accepted in their entirety, do not disclose the commission of an offence by the accused or where continuation of the criminal proceedings, in the absence of any supporting material, would result in abuse of the process of the Court. The present case, in the considered opinion of this Court, falls within such parameters. 8. This Court is conscious of the settled principle that at the stage of investigation or while considering a prayer for quashing of an F.I.R., the Court ordinarily does not undertake a meticulous examination of the evidence or embark upon an appreciation of disputed questions of fact. However, the present case stands on a different footing. The investigation has already been completed; the investigating agency has submitted the charge-sheet against the persons against whom material was found; and, as fairly conceded by the State, no incriminating material whatsoever has been found against the petitioner. Therefore, there remains
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			no legitimate basis for permitting the criminal proceedings to continue against the petitioner merely on the basis of a reference to his name in the F.I.R., particularly when no specific role has been attributed to him. Further, the prolonged pendency of the criminal proceedings, coupled with the admitted absence of incriminating material against the petitioner, assumes significance in the light of the fundamental right to a fair and expeditious criminal process guaranteed under Article 21 of the Constitution of India. Criminal law cannot be permitted to operate as an instrument of indefinite harassment where the investigating agency itself has, upon completion of investigation, found no material warranting prosecution of the concerned person. 9. For the aforesaid reasons, this Court is of the considered view that continuation of the criminal proceedings against the petitioner would serve no useful purpose and would amount to an abuse of the process of law. The petitioner cannot be compelled to face the rigours and uncertainty of criminal proceedings in the absence of any prima facie material connecting him with the alleged offences. 10. Accordingly, the writ petition is allowed. F.I.R./Case Crime No.100 of 2018, under Sections 386, 388 and 120-B of the Indian Penal Code, registered at Police Station Rajpur, District Dehradun, and all consequential proceedings emanating therefrom, are hereby quashed, qua the petitioner. (Alok Mahra, J.) 08.09.2026 <i>Arpan</i>
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