

(2018) 01 UK CK 0018
In the Uttarakhand High Court
Case No : 2044 of 2017

Ajay Kumar & another

APPELLANT

Vs

Senior Superintendent of Police, Udham Singh Nagar &
others

RESPONDENT

Date of Decision : 03-01-2018

Acts Referred:

Indian Penal Code, 1860, Section 41, Section 420, Section 506 - "Special law" - Cheating and dishonestly inducing delivery of property - Punishment for criminal ,intimidati

Citation : (2018) 01 UK CK 0018

Hon'ble Judges : Sudhanshu Dhulia

Bench : Single Bench

Advocate : Harshpal Sekhon, Sudhir Kumar Chaudhary, B.S. Thind

Judgement

1. The First Information Report has been lodged by respondent No. 3, which has been registered as FIR No.264 of 2017, under Sections 420

and 506 of IPC, at Police Station- Jaspur, District- Udham Singh Nagar implicating the present petitioners. Apprehending their arrest, the

petitioners have approached this Court for relief.

2. Considering the overall facts and circumstances of the case as well as the nature of offence and since the maximum punishment in these offences

is seven years or less, a limited interference is called for in the matter.

3. The writ petition stands disposed with the direction to the police authorities to proceed with the investigation in accordance with law, subject to

the full cooperation of the petitioners in the investigation, but as far as the arrest of the petitioners are concerned, the same may be done only under

the parameters as framed under Section 41 and Section 41A of Cr.P.C. as well as

following the guidelines given by the Hon"ble Apex Court in the case of Arnesh Kumar Vs. State of Bihar & another, reported in (2014) 8 SCC 273 .

4. It is further made clear that this order shall remain operative till the filing of charge sheet, in case of that event.