

(2025) 02 UK CK 1081

In the Uttarakhand High Court

Case No : Writ Petition Criminal No. 127 Of 2025

Anita Goswami And Ors.

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 27-02-2025

Acts Referred:

Dowry Prohibition Act, 1961 — Section 3, 4
Indian Penal Code, 1860 — Section 323, 498A, 504, 506
Bharatiya Nagarik Suraksha Sanhita, 2023 — Section 35(3)
Code Of Criminal Procedure, 1973 — Section 41A

Citation : (2025) 02 UK CK 1081

Hon'ble Judges : Pankaj Purohit, J

Bench : Single Bench

Advocate : Suryakant Maithani, B.C. Joshi

Final Decision : Disposed Of

Judgement

Pankaj Purohit, J

1. By means of this writ petition, petitioners have impugned FIR No.0092 of 2025 dated 29.01.2025, under Section 3/4 of Dowry Prohibition Act, 1961 and Section 323, 498-A, 504 and 506 of IPC, registered with Police Station Kotwali Haridwar, District Haridwar.

2. Learned counsel for the petitioners has limited his argument to the extent that the investigation agency should comply with the guidelines given in Arnesh Kumar Vs. State of Bihar and another reported in (2014) 8 SCC 273.

3. Since the offences carries a punishment maximum to seven years, therefore, before resorting to any arrest a prior notice under Section 35(3) of the B.N.S.S., 2023 (under Section 41A of Cr.P.C.) is necessary to be issued to the petitioners. Hence, it is provided that before taking any coercive measure against the petitioners, the Investigating Officer shall abide by procedure given under Section 35(3) of the BNSS Act, 2023 (under Section 41A of Cr.P.C.)

4. Accordingly, the writ petition stands disposed of.
5. Pending application, if any, stands disposed of accordingly.