
(2020) 08 UK CK 0011

In the Uttarakhand High Court

Case No : Writ Petition (Criminal) No. 1265 Of 2020

Charan Singh And Others

APPELLANT

Vs

State Of Uttarakhand And Others s

RESPONDENT

Date of Decision : 14-08-2020

Acts Referred:

Indian Penal Code, 1860 — Section 147, 148, 323, 452, 506
Constitution Of India, 1950 — Article 226

Citation : (2020) 08 UK CK 0011

Hon'ble Judges : Ravindra Maithani, J

Bench : Single Bench

Advocate : Tapan Singh, P.S. Bohara

Final Decision : Disposed Of

Judgement

Ravindra Maithani, J

1. Instant writ petition has been filed by the petitioners seeking quashing of an FIR No. 251 of 2020, under Sections 147, 148, 323, 452, 504 and 506

IPC, Police Station Kankhal, District Haridwar.

2. According to the FIR, on 07.08.2020 at about 07:00, in the morning the petitioners armed with laathi, danda and rods entered into the house of the

informant, abused them and when objected to abuse, they attacked the informant and family members, due to which, many of them sustained serious injuries.

3. Learned counsel for the petitioners would submit that petitioners have also filed a cross FIR No. 252 of 2020, but Police is harassing them without

following the guidelines with regard to arrest as laid in the case of Arnesh Kumar Vs. State of Bihar and Another, (2014) 8 SCC 273.

4. It appears that this writ petition is filed to remind the Police of his statutory duty to follow the directions of the Honâ??ble Supreme Court. Nothing has been argued, which may have any tendency to quash the FIR.

5. This is a writ petition under Article 226 of the Constitution of India. The FIR discloses commission of cognizable offence. In fact, learned counsel

for the petitioners also admits that some incident occurred. It is upto the Investigation Officer to investigate the matter and to find the truth. Was it a

free fight or someone was an aggressor or what was the case, this Court cannot examine it in this proceeding. Therefore, no interference is warranted

in the writ petition.

6. Insofar as arrest is concerned, it is not a routine and mechanical exercise for an Investigation Officer. He has to ensure the complicity of a person

and thereafter, the necessity to arrest such person, if occasion arises. This Court has no doubt that the Investigation Officer shall follow all the

statutory provisions and directions, if any, occasion to arrest arises.

7. With these observations, the instant writ petition stands disposed of.