

(2017) 11 UK CK 0054
In the Uttarakhand High Court
Case No : 1932 of 2017

Deepak Saini

APPELLANT

Vs

Senior Superintendent of Police, Udham Singh Nagar &
others

RESPONDENT

Date of Decision : 28-11-2017

Acts Referred:

[Code of Criminal Procedure, 1973](#), [Section 41](#), [Section 41A](#) - When police may arrest without warrant

[Indian Penal Code, 1860](#), [Section 420](#) - Cheating and dishonestly inducing delivery of property

Citation : (2017) 11 UK CK 0054

Hon'ble Judges : Sudhanshu Dhulia

Bench : Single Bench

Judgement

1. Mr. Harshpal Sekhon, Advocate, present for the petitioner.
2. Mr. Sudhir Kumar Chaudhary, Deputy Advocate General, present for the State/respondent Nos. 1 & 2.
3. The First Information Report has been lodged by respondent No. 3, which has been registered as FIR No. 92 of 2017, under Section 420 of IPC, at Police Station-Kunda, District-Udham Singh Nagar. Apprehending his arrest, the petitioner has approached this Court for relief.
4. Learned counsel for the petitioner submits that the petitioner is not named in the first information report.
5. However, considering the overall facts and circumstances of the case as well as the nature of offence and since the maximum punishment in this offence is seven years or less, a limited interference is called for in the matter.
6. 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 petitioner in the investigation, but as far as the arrest of the petitioner is 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

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