
(2020) 08 UK CK 0063

In the Uttarakhand High Court

Case No : Writ Petition (Criminal) No. 1355 Of 2020

Julfikar And Others

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 31-08-2020

Acts Referred:

Indian Penal Code, 1860 — Section 147, 148, 149, 323, 325, 452, 504, 506
Constitution Of India, 1950 — Article 226

Citation : (2020) 08 UK CK 0063

Hon'ble Judges : Ravindra Maithani, J

Bench : Single Bench

Advocate : Gaurav Singh, Pratiroop Pande, Mohd. Umar

Final Decision : Disposed Of

Judgement

Ravindra Maithani, J

1. The instant writ petition is filed for quashing FIR No. 0235 of 2020, under Sections 147, 148, 149, 323, 452, 504 and 506 IPC, Police Station Pathari, District Haridwar and also seeking directions that the petitioners be not arrested pursuant to it.
2. Heard learned counsel for the parties through Video Conferencing.
3. According to the FIR, on 9th August, 2020, at about 05:30 in the evening, the petitioners attacked brother of the informant Riyasat, abused him. Riyasat sustained injuries. He ran inside the house. Petitioners entered the house and attacked the other family members also. The report was lodged on 10th August, 2020.
4. On behalf of the petitioners, it is argued that Police be directed to follow statutory provisions and guide lines with regard to the arrest.
5. On behalf of the State, it is argued that in this case, offence under Section 325 IPC has also been added in the investigation and IO has reported that

petitioners are trying to influence the witnesses also.

6. On behalf private respondent, who is respondent no.3, it is argued that there are many injured and offence under Section 325 IPC has also been added.

7. The petitioners, in fact, require the court to remind the police of its statutory duties.

8. It is a petition under article 226 of the Constitution of India. The averments categorically disclose commission of offence. It is recorded that many persons were injured. The contents would be subject to scrutiny during investigation or at the trial, as the case may be. Therefore, no interference is warranted, as such.

9. Arrest is not a routine and mechanical task. The IO has to first and foremost to ascertain the complicity of a person in the offence and thereafter, the need for arrest. This Court has no doubt that IO in the instant case shall follow all the statutory provisions and guidelines on the subject, if the occasion arises, in the instant case.

10. With the above observations, the petition stands disposed of.