
(2020) 08 UK CK 0015

In the Uttarakhand High Court

Case No : Writ Petition (Criminal) No. 1212 Of 2020

Kamal Singh Rajput And Others

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 14-08-2020

Acts Referred:

Indian Penal Code, 1860 — Section 323, 354, 452, 504, 506
Constitution Of India, 1950 — Article 226

Citation : (2020) 08 UK CK 0015

Hon'ble Judges : Ravindra Maithani, J

Bench : Single Bench

Advocate : Avidit Noliyal, 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. 237 of 2020, under Sections 323, 354, 452, 504 and 506 IPC,

Police Station Kankhal, District Haridwar.

2. According to the FIR, a pipeline was being laid in front of the house of the informant. On 26.07.2020, the petitioner entered the house of the

informant, assaulted and threatened them to kill. They were rescued by their neighbours.

3. Learned counsel for the petitioners would argue that petitioners seek stay of arrest; FIR is delayed; petitioners are neighbours of the informant, their relations are not good; there is nothing in the FIR and offences are punishable for less than seven years imprisonment.

4. This is a writ petition under Article 226 of the Constitution of India. These factual aspects cannot at all be examined in such petitions, they are

matter for investigation or at the trial, as the case may be, therefore, no interference is warranted in the matter.

5. Learned counsel for the petitioner then argues that this case is covered by the principles of law as laid down in the case of Arnesh Kumar Vs.

State of Bihar and another (2014) 8 SCC 273, wherein para no.11 of it, the Honâ??ble Court issued certain directions with regard to arrest.

6. Needless to say, arrest is definitely not a routine and mechanical act to be exercised by an Investigating Officer. It is something, which curtails a

personâ??s liberty and personal freedom of a man. There are various guidelines with regard to exercise of this right. This Court has no doubt that the

Investigating Officer shall follow all the guidelines with regard to arrest, if occasion arises.

7. With the above observation, the writ petition stands disposed of.