
(2020) 09 UK CK 0012

In the Uttarakhand High Court

Case No : Writ Petition (Criminal) No. 950 Of 2020

Meharban And Others

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 04-09-2020

Acts Referred:

Indian Penal Code, 1860 — Section 147, 148, 149, 323, 354, 452, 504, 506
Constitution Of India, 1950 — Article 226

Citation : (2020) 09 UK CK 0012

Hon'ble Judges : Ravindra Maithani, J

Bench : Single Bench

Advocate : Gaurav Singh, Lalit Miglani, Mohd. Safdar

Final Decision : Dismissed

Judgement

Ravindra Maithani, J

1. Petitioners seek quashing of an FIR No.0143 of 2020, under Sections 147, 148, 149, 452, 323, 354, 504 and 506 IPC, Police Station Pathari, District Haridwar.
2. Heard learned counsel for the parties through video conferencing.
3. According to the FIR, on 26th April, 2020, at 7:00 in the evening, when the nephew of the informant Ahsan was standing outside of his house, petitioner Riyasat abused him and when Ahsan asked him not to abuse, petitioner Riyasat along with other co-accused armed with sharp edged weapon entered the house, abused and attacked Ahsan. When Ahsan's wife Mehraj and others came for rescue, they were also abused and beaten.
4. Today, on behalf of the petitioners, a statement is made that it was a dispute regarding property and perhaps the parties have amicably settled the disputes. Therefore, directions may be issued that the petitioners may not be arrested in a routine and mechanical manner.

5. On behalf of the respondent no. 3, learned counsel would argue that it is petitioners who forged the C.T. Scan Report, on the basis of which, the respondent no.3 had to go jail and he was granted bail by the High Court.

6. This is a petition under Article 226 of the Constitution of India. If the FIR discloses commission of offences, interference is generally not warranted. In the instant case, it is specific case as to what had happened. It is a case of assault and beating. What is its' truthfulness, is a subject matter of investigation or at the trial, as the case may be. Therefore, no interference is warranted as such.

7. In fact, what is argued is that the petitioners may not be arrested in a routine and mechanical manner.

8. Needless to say that arrest is definitely not a routine and mechanical act to be exercised by the Investigation Officer. It is something, which curtails a person'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.

9. With the above observation, the instant writ petition is dismissed.