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**(2017) 12 UK CK 0030**  
**In the Uttarakhand High Court**  
**Case No : 2009 of 2017**

Noor Ahmad & others

APPELLANT

Vs

State of Uttarakhand & others

RESPONDENT

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**Date of Decision :** 13-12-2017

**Acts Referred:**

[Code of Criminal Procedure, 1973](#), [Section 41](#), [Section 41A](#) - When police may arrest without warrant  
[Indian Penal Code, 1860](#), [Section 147](#), [Section 324](#), [Section 323](#), [Section 148](#), [Section 506](#), [Section 149](#), [Section 452](#), [Section 504](#) - Punishment for rioting - Voluntarily causing hurt by dangerous weapons or means - Punishment for voluntarily causing hurt - Rioting, armed with deadly weapon - Punishment for criminal intimidation - Every member of unlawful assembly guilty of offence committed in prosecution of common object - House -trespass after preparation for hurt, assault or wrongful restraint - Intentional insult with intent to provoke breach of the peace

**Citation :** (2017) 12 UK CK 0030

**Hon'ble Judges :** Sudhanshu Dhulia

**Bench :** Single Bench

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## Judgement

1. Mr. Vaibhav Singh Chauhan, Advocate, present for the petitioners.
2. Mr. Sudhir Kumar Chaudhary, Deputy Advocate General with Mr. B.S. Thind, Brief Holder, 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 Case Crime No.222 of 2017, under Sections 147 / 148 / 149 / 323 / 324 / 504 / 506 / 452 of IPC, at Police Station- Piraan Kaliyar, District- Haridwar implicating the present petitioners. Apprehending their arrest, the petitioners have approached this Court for relief.
4. Considering the overall facts and circumstances of the case as well as the nature of offence and since the maximum punishment in these offences is seven

years or less, a limited interference is called for in the matter.

5. 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 petitioners in the investigation, but as far as the arrest of the petitioners are 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 273.

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