
(2020) 08 UK CK 0012

In the Uttarakhand High Court

Case No : Writ Petition (Criminal) No. 1264 Of 2020

Parvinder Kumar @ Pintu And Another

APPELLANT

Vs

State Of Uttarakhand And Others s

RESPONDENT

Date of Decision : 14-08-2020

Acts Referred:

Indian Penal Code, 1860 — Section 147, 427, 504, 506
Constitution Of India, 1950 — Article 226

Citation : (2020) 08 UK CK 0012

Hon'ble Judges : Ravindra Maithani, J

Bench : Single Bench

Advocate : Parikshit Saini, 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. 232 of 2020, under Sections 147, 427, 504

and 506 IPC, Police Station I.T.I, District Udham Singh Nagar.

2. According to the FIR, on 04.08.2020, at about 09:30, the petitioner no.1 abused the informant and pelted stones at her house as

she did not come out from the house, despite much instigation by the petitioners. Due to pelting of stones, the house of the informant was damaged.

The petitioner tried to enter the house, but they could not, therefore, they damaged the car and threatened the informant to life. There are other details

as well in the FIR.

3. Learned counsel for the petitioners would submit that respondent no.3, the informant, in the case is the second wife of the

father of respondent no.2. The petitioners were called by the father of the petitioner no.2. Petitioners have also lodged a report of the incident, but it has yet not been registered. They have also sustained injuries.

4. This is a petition under Article 226 of the Constitution of India. The factual aspects cannot be generally gone into. The averments of the FIR, categorically discloses commission of cognizable offence. There is no reason to make any interference at this stage.

5. Learned counsel for the petitioners would submit that the case is covered by the directions of the Honâ??ble Supreme Court in the case of Arnesh Kumar Vs. State of Bihar and Another, (2014) 8 SCC 273 ,but without following the guidelines, the Investigation Officer is harassing the petitioners.

6. This Court has no doubt that the Investigation Officer, in the instant case as well would follow all the guidelines of the courts and statutory provisions, in case, there is any occasion to arrest.

7. With these observations, the instant writ petition stands disposed of.