
(2022) 04 UK CK 0102

In the Uttarakhand High Court

Case No : Criminal Writ Petition No. 727 Of 2022

Prakash Nath Goswami

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 25-04-2022

Acts Referred:

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

Citation : (2022) 04 UK CK 0102

Hon'ble Judges : Alok Kumar Verma, J

Bench : Single Bench

Advocate : H.C. Pathak, Pratiroop Pandey

Final Decision : Disposed Of

Judgement

Alok Kumar Verma, J

1. This Criminal Writ Petition has been filed under Article 226 of the Constitution of India to issue a writ of certiorari to quash the impugned First Information Report No.106 of 2022, registered with Police Station Lalkuan, District Nainital for the offence under Sections 323, 354, 452 and 506 of the IPC.

2. Heard Mr. H.C. Pathak, the learned counsel for the petitioner and Mr. Pratiroop Pandey, learned AGA for the State.

3. During the arguments, the learned counsel appearing for the petitioner submitted that this writ petition may be disposed of with a direction to the concerned Station House Officer, Police Station Lalkuan, District Nainital, the respondent no.2, and the Investigating Officer to follow the judgment of the Hon'ble Supreme Court, passed in 'Arnesh Kumar vs.State of Bihar and Another', (2014) 8 SCC 273, before proceed to arrest the petitioner.

4. The learned counsel for the State has no objection on the above submission of the learned counsel for the petitioner.

5. In view of the above, this Criminal Writ Petition No.727 of 2022 is disposed of with a direction to the Station House Officer, Police Station Lalkuan, District Nainital, the respondent no.2 and the Investigating Officer to follow the guidelines formulated by the Hon'ble Supreme Court in 'Arnesh Kumar vs. State of Bihar and Another', (2014) 8 SCC 273.