

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL
Criminal Writ Petition No. 219 of 2016

Kunwar Singh Dev

... Petitioner

Vs

State of Uttarakhand & others

... Respondents

Mr. Ganesh Kandpal, Advocate, present for the petitioner.

Mr. K.S. Rautela, Learned G.A. with Mr. V.S. Rathore, Brief Holder, present for the State of Uttarakhand.

Hon'ble Sudhanshu Dhulia, J. (Oral)

1. In this case, the First Information Report was lodged by respondent No. 3 – Diwan Singh Negi, under Section 420, of I.P.C. at Police Station Mallital Nainital, District Nainital implicating the present petitioner. Apprehending his arrest, the petitioner has approached this court for relief.

2. The petitioner is a contractor, who is engaged from time to time for transportation of the trainees/nurses, by the respondents. The petitioner had earlier filed a writ petition being WPCRL No. 03 of 2015 before this Court with a prayer to quash the above F.I.R. This Court disposed of the matter vide order dated 11.10.2015 by passing following order.

“Mr. Ganesh Kandpal, Advocate for the petitioner.

Mr. P.S. Saun, Deputy Advocate General for the State.

Mr. P.S. Saun, learned Deputy Advocate General for the State, submits that let petitioner join the investigation and let him cooperate with the Investigating Officer. If Investigating Officer intends to arrest the petitioner for the reasons recorded in the case diary, he shall issue prior notice to the petitioner under Section 41A Cr.P.C.

Mr. Ganesh Kandpal, learned counsel for the petitioner, in view of the statement made by Mr. P.S. Saun, learned Deputy Advocate General for the State, seeks permission to withdraw this petition with liberty to file fresh, if need be, for appropriate reliefs.

Permitted to be withdrawn with aforesaid liberty.

CLMA No. 39 of 2015 also stands disposed of accordingly.”

3. Now, the petitioner has filed the present second writ petition stating that now he has received a notice from the Police Officer concerned under Section 41A Cr.P.C. Hence, the present writ petition.

4. This is not an occasion to file a fresh writ petition, as what is being done is purely in accordance with law.

5. Let the petitioner file reply to the notice and cooperate in the investigation to the officer concerned.

6. Accordingly, the writ petition stands dismissed.

(Sudhanshu Dhulia, J.)

29.02.2016

Rahul