

**IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL**

**Criminal Writ Petition No. 1945 of 2017**

Sharafat

.....Petitioner

Versus

State of Uttarakhand & others

.....Respondents

**Hon'ble Sudhanshu Dhulia, J. (Oral)**

1. Mr. Mohd. Allaudin, Advocate, present for the petitioner.

2. Mr. Sudhir Kumar Chaudhary, Deputy Advocate General, 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. 275 of 2017, under Sections 342/506 of IPC, at Police Station-Pathari, District- Haridwar implicating the present petitioner. Apprehending his arrest, the petitioner has 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 petitioner in the investigation, but as far as the arrest of the petitioner is 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.

**(Sudhanshu Dhulia, J.)**

30.11.2017

Nitesh