

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<p>WPCRL No.1317 of 2021  <b><u>Hon'ble R.C. Khulbe, J.</u></b>  Mr. V.S. Chauhan, learned counsel for the petitioner.  Mr. Kuldeep Rawal, learned A.G.A. for the State.  Heard.  This petition is filed seeking to quash the FIR no.88 of 2021 u/s 420, 406 and 120-B IPC, lodged against the petitioner, at P.S. Dalanwala, District Dehradun.  From the perusal of the record, the informant booked a flat No.303, Tower 3 in Pushpanjali, Dehradun, but the accused did not complete the same in time; from the perusal of the FIR, the informant executed an agreement with the co-accused-Deepak Mittal, owner /M.D. of Pushpanjali Colony; the present petitioner is the father of the co-accused-Deepak Mittal; neither he executed any agreement nor he received any payment from the informant.  As per the instruction, received from the I.O., the statement of the present petitioner has been recorded under Section 161 Cr.P.C.; apart from that, he is cooperating with the investigation; '<i>prime facie</i>' there is no allegation against the present petitioner.  In view of the judgment rendered by Hon'ble Apex Court in <i>Arnesh Kumar vs. State of Bihar and another</i>, reported in <u>(2014) 8 SCC 273</u>, the petitioner should be arrested only when the Investigating Officer has reason to believe on the basis of information and material collected, that he has committed an offence. Before making arrest, the Investigating Officer is required to satisfy himself that the arrest is necessary for one or more purposes envisaged by Sub-Clauses (a) to (e) of Clause (1) of</p>

			<p>Section 41 of Cr.P.C. It will not be based upon the <i>ipsi dixit</i> of the Police Officer. In other words, the petitioner shall be arrested only when the conditions stipulated in Sub-Clauses (a) to (e) of Clause (1) of Section 41 of Cr.P.C. are satisfied.</p> <p>Petitioner is directed to cooperate with the investigation agency.</p> <p>Criminal writ petition is summarily disposed of with the direction as above.</p> <p>All pending applications also stand disposed of.</p> <p style="text-align: right;"><b>(R.C. Khulbe, J.)</b> <b>31.08.2021</b></p> <p>BS</p>
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