

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL
THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA
31ST DECEMBER, 2021
CRIMINAL WRIT PETITION NO.2355 of 2021

Between:

Babu Khan and Others. ...Petitioners.

and

State of Uttarakhand and Others. ...Respondents.

Counsel for the Petitioners: Mr. D.N. Sharma, learned counsel.

Counsel for the State/ : Mrs. Meena Bisht, learned
Respondent nos. 1 & 2. Brief Holder for the State.

Hon'ble Alok Kumar Verma, J.

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.0720 of 2021, registered with Police Station Rudrapur, District Udham Singh Nagar for the offence under Section 379 of IPC.

2. Heard Mr. D.N. Sharma, the learned counsel for the petitioners and Mrs. Meena Bisht, the learned Brief Holder for the State.

3. The learned counsel for the State submitted that during the investigation, the name of the present petitioners came into light.

4. During the arguments, the learned counsel for the petitioners submitted that this writ petition may be disposed of with a direction to the concerned Station House Officer, Police Station Rudrapur, District Udham Singh Nagar, the respondent no.2/ the Investigating Officer to follow the judgment of the Hon'ble Supreme Court, passed in **Arnesh Kumar vs. State of Bihar and Another**, before proceed to arrest the petitioners.

5. The learned counsel for the State has no objection on the above submission of the learned counsel for the petitioners.

6. In view of the above, this Criminal Writ Petition No.2355 of 2021 is disposed of with a direction to the Station House Officer, Police Station Rudrapur, District Udham Singh Nagar, the respondent no.2/ the Investigating Officer to follow the guidelines formulated by the Hon'ble Supreme Court in **Arnesh Kumar vs. State of Bihar and Another**.

ALOK KUMAR VERMA, J.

Dt: 31st December, 2021

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