

IN THE HIGH COURT OF UTTARAKHAND

AT NAINITAL

THE HON'BLE SRI JUSTICE ALOK KUMAR VERMA

27TH MAY, 2022

CRIMINAL WRIT PETITION NO.1034 of 2022

Between:

Manish Soni ...Petitioner.

and

State of Uttarakhand and Others. ...Respondents.

Counsel for the Petitioner : Mr. Vikas Anand, learned counsel.

Counsel for the State/ : Mr. S.S. Adhikari, learned
Respondent no. 1 to 3. Deputy Advocate General.

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.328 of 2022, registered with Police Station Rudrapur, District Udham Singh Nagar for the offence under Sections 354, 323, 504 & 506 of IPC.

2. Heard Mr. Vikas Anand, the learned for the petitioner and Mr. S.S. Adhikari, the learned Deputy Advocate General 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 Rudrapur,

District Udham Singh Nagar, the respondent no.3, 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.1034 of 2022 is disposed of with a direction to the Station House Officer, Police Station Rudrapur, District Udham Singh Nagar, the respondent no.3 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.

ALOK KUMAR VERMA, J.

Dt: 27.05.2022

Ravi