



2025:UHC:7673

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p>WPCRL No. 942 of 2025</p> <p><u>Hon'ble Ashish Naithani, J.</u></p> <p>Mr. Sanjay Kumar, learned counsel for the petitioners.</p> <p>2. Mr. S. S. Chauhan, learned D.A.G. assisted by Mr. Vikash Uniyal, learned Brief Holder for the State.</p> <p>3. The present writ petition under Article 226 of the Constitution of India is filed by the petitioners for quashing the impugned F.I.R. No. 0338 of 2025 dated 01.08.2025, for the offence punishable under Sections 115(2), 191(1), 191(3), 333, 351(2) & 352 of BNS, Police Station Jaspur, District Udham Singh Nagar and further prayed that to direct the respondent no. 2 not to arrest the petitioners in connection with the abovementioned F.I.R..</p> <p>4. During the arguments, the learned counsel appearing for the petitioner submits that this writ petition may be disposed of with a direction to the Station House Officer, Police Station Jaspur, District Udham Singh Nagar/respondent no.2 to follow the judgment of the Hon'ble Supreme Court, passed in '<i>Arnesh Kumar vs. State of Bihar and Another</i>', (2014) 8 SCC 273, before proceed to arrest the petitioners.</p> <p>5. Learned State counsel has no objection on</p>



		<p>the submission made by the learned counsel for the petitioners.</p> <p>6. Having considered the submissions, this Court reminds the Investigating Officer concerned to adhere strictly to the law laid down by the Hon'ble Supreme Court in <i>Arnesh Kumar</i> (supra). The Investigating Officer shall abide by the requirements of Section 41 and 41A CrPC before effecting any arrest.</p> <p>7. In view of the submissions made by learned counsel for the parties, the present writ petition is disposed of with a direction to the respondent no.2 to follow the guidelines formulated by the Hon'ble Supreme Court in '<i>Arnesh Kumar vs. State of Bihar and Another</i>', (2014) 8 SCC 273.</p> <p>8. It is directed that in the event of the petitioners' co-operation in the investigation, the Investigating Officer of the case shall not arrest the petitioners without satisfying himself regarding the necessity of arrest as per the mandate of Section 41 CrPC read with the guidelines in <i>Arnesh Kumar</i> (supra).</p> <p>9. The petitioners shall extend full co-operation in the investigation and shall appear before the Investigating Officer as and when called upon.</p> <p style="text-align: right;">(Ashish Naithani, J.) 29.08.2025</p>
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