



2026:UHC:4148

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			WPCRL No. 877 of 2026 <u>Hon'ble Rakesh Thapliyal, J.</u> 1. Mr. Yogesh Upadhyay, learned counsel for the petitioners. 2. Mrs. Sweta Badola Dobhal, learned Brief Holder for the State. 3. Mr. Sanjay Bhatt, learned counsel for the private respondents. 4. By the instant writ petition, the petitioners are praying for the following reliefs:- (i) Issue a writ, order, or direction in the nature of Certiorari quashing the impugned FIR dated 01-05-2026 registered as FIR no. 0129 of 2026 at P.S. Ramnagar, U/s 125, 190, 191(2), 329(3), 351(3), 352 B.N.S. (Annexure-4, page No. 29 to 34 as well as all consequential proceedings arising therefrom against the petitioners, in the interest of justice. (ii) Issue a writ, order, or direction in the nature of Mandamus commanding the respondent authorities not to take any coercive action against the petitioners pursuant to the impugned FIR during the pendency of the present writ petition. (iii) Issue a writ, order, or direction in the nature of Mandamus directing an independent, fair, and impartial inquiry into the illegal, arbitrary, and high-handed conduct of the respondent-police authorities acting in collusion with the private respondent. (iv) Issue a writ, order, or direction in the nature of Mandamus directing the respondent authorities to ensure adequate protection to the life and liberty of the petitioners and their family members from the unlawful acts, threats, intimidation, and harassment being caused by the private respondent and his associates. (v) Issue a writ, order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case. (vi) Award cost of the petition in favour of the



		petitioner.” 5. It is argued by the learned counsel for the petitioners that the offence in which the petitioners have been implicated is punishable upto seven years, however, there is still an apprehension of arrest since the petitioners have not received any notice under Section 35(3) of BNSS 2023. He submits that the concerned I.O. while conducting the investigation has to follow the guidelines as formulated by the Hon’ble Apex Court in the case of Arnesh Kumar vs. State of Bihar, (2014) 8 SCC 273 while conducting the investigation. 6. Mrs. Sweta Badola Dobhal, learned Brief Holder for the State have not disputed that the offences, as alleged, is punishable upto seven years, therefore, the I.O. is under legal obligation to follow the guidelines as formulated by the Hon’ble Apex Court in the case of Arnesh Kumar (supra). 7. In view of the submissions, as advanced above, and with the consent of the learned counsel for the parties, the instant writ petition is disposed of finally with the direction to the concerned I.O. to follow the guidelines as formulated by the Hon’ble Apex Court in the case of Arnesh Kumar (supra) while conducting the investigation and issue notice under Section 35(3) of BNSS as and when it requires. 8. Pending application, if any, also stand disposed of. (Rakesh Thapliyal, J.) 26.05.2026 Shiv/
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