



SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>WPCRL/ 1253/2026</u> Adil Khan --Petitioner Versus State Of Uttarakhand --Respondent <u>Hon'ble Alok Mahra, J.</u> Mr. Abhishek Singh Rawat, learned counsel for the petitioner. 2. Mr. N.S. Kanyal, learned A.G.A. along with Mr. Pramod Tiwari, learned Brief Holder for the State. 3. By means of the present writ petition filed under Article 226 of the Constitution of India, the petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the First Information Report/Case Crime No. 0231 of 2026, registered under Sections 351(2), 352 and 74 of the B.N.S., at Police Station Kichha, District Udham Singh Nagar. The petitioner has further sought issuance of a writ, order or direction in the nature of mandamus commanding the respondent authorities not to arrest the petitioner pursuant to the aforesaid F.I.R. 4. Learned counsel for the petitioner would submit that the impugned F.I.R.



		has been lodged on false, fabricated and concocted allegations with an ulterior motive to harass the petitioner, who is wholly innocent and has been falsely implicated in the present case; that, the F.I.R. is an afterthought inasmuch as the informant herself has alleged that the petitioner had been troubling her for about one and a half months; that, despite alleging a specific incident dated 26.06.2026, neither any complaint was lodged with the police immediately thereafter nor was any report submitted during the intervening period, thus, there is an unexplained and inordinate delay in lodging the F.I.R., which casts a serious doubt upon the veracity of the prosecution story. 5. Learned counsel for the petitioner would further submit that, even if the allegations contained in the impugned F.I.R. are taken at their face value and accepted in their entirety, the offences alleged are punishable with imprisonment which does not exceed seven years. It is further submitted that the petitioner undertakes to cooperate with the investigation in all respects and shall appear before the Investigating Officer as and when required. 6. Learned counsel for the petitioners, placing reliance upon the judgment of the Hon'ble Supreme Court
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		in <i>Arnesh Kumar v. State of Bihar</i>, (2014) 8 SCC 273 and submits that that the offences alleged in the impugned F.I.R. are punishable with imprisonment which does not exceed seven years. Learned counsel for the petitioner, therefore, prays that the present criminal writ petition be disposed of in terms of the law laid down by the Hon'ble Supreme Court in <i>Arnesh Kumar v. State of Bihar</i>, with a direction to the respondent authorities to comply with the statutory safeguards governing arrest and investigation. 7. Learned State Counsel would oppose the writ petition. However, he does not dispute the fact that the offences alleged in the impugned F.I.R. are punishable with imprisonment which does not exceed seven years. 8. Having heard learned counsel for the parties and upon perusal of the material available on record, this Court is not inclined to examine the correctness or otherwise of the allegations made in the impugned F.I.R. in exercise of its extraordinary writ jurisdiction at this stage, particularly when the investigation is still in progress. It is, however, not disputed that the offences alleged against the petitioner are punishable with imprisonment which does not exceed seven years. 9. Without expressing any opinion on
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the merits of the case, the present writ petition is disposed of with a direction that the Investigating Officer shall proceed with the investigation strictly in accordance with law as well as the guidelines and directions issued by the Hon'ble Supreme Court in Arnesh Kumar v. State of Bihar, (2014) 8 SCC 273, before effecting the arrest of the petitioner

10. It is clarified that in the event the Investigating Officer forms an opinion that arrest of the petitioner is necessary, the statutory requirements prescribed under law shall be complied with in letter and spirit.

11. Pending applications, if any, also stand disposed of accordingly.

(Alok Mahra, J.)

09.07.2026

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