



2026:UHC:3381

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p><u>WPCRL/781/2026</u> <u>Hon'ble Rakesh Thapliyal, J.</u></p> <ol style="list-style-type: none">1. Mr. Mohd. Safdar, learned counsel for the petitioners.2. Ms. Meenakshi Sharma, learned AGA for the State.3. By the instant petition, petitioners are praying for quashing of the FIR dated 24.04.2026 bearing FIR No. 0079 of 2026, registered at Police Station - Kaliyar Sharif, District - Haridwar wherein the petitioners have been implicated for the offences punishable under Sections 115(2), 132, 190, 191(2), 191(3), 324(4), 351(2), 351(3), 352 and 79 of BNS, 2023.4. On the previous date, learned State Counsel was directed to get instructions. Today, on instruction Ms. Meenakshi Sharma, learned AGA apprise to this Court that some of the petitioners are indulged in criminal activities since long back.5. It is argued by the learned counsel for the petitioners that all the offences are punishable with the maximum sentence of upto 7 years and as such, the Investigating Officer is under the legal obligation to follow the guidelines as formulated by Hon'ble Supreme Court in the case of Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 while conducting investigation.6. On the other side, learned State Counsel have not disputed that all the offences are punishable with the maximum sentence of upto 7 years, therefore, the I.O. is under legal obligation to issue notice under Section 35 (3) BNSS, 2023 while conducting the investigation and to follow the guidelines as formulated by Hon'ble Supreme Court in the case of Arnesh



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Kumar Vs. State of Bihar (2014) 8 SCC 273.

7. In view of the submission as above, present writ petition is disposed of with the direction to the Investigating Officer to follow the guidelines as formulated by Hon'ble Supreme Court in the case of **Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273** and issue notices to the petitioners under Section 35 (3) BNSS, 2023, as and when their presence are required, while conducting the investigation.

8. It is made clear that if any of the petitioners is indulged in future in any of the criminal activity, then the I.O. shall take strict action against them.

(Rakesh Thapliyal, J.)

05.05.2026

SKS/Nahid



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