

ITEM NO.31                      Court 9 (Video Conferencing)                      SECTION II

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (CrI.) No(s). 5532/2020

(Arising out of impugned final judgment and order dated 25-09-2020 in WPCRL No. 1548/2020 passed by the High Court Of Uttarakhand At Nainital)

ASHISH MANDIWAL & ORS.

Petitioner(s)

VERSUS

STATE OF UTTARAKHAND & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.115105/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT )

Date : 07-01-2021 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE VINEET SARAN  
          HON'BLE MR. JUSTICE AJAY RASTOGI

For Petitioner(s)    Mr. Subhro Sanyal, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E R

The petitioners are aggrieved by the order dated 25.09.2020 to the extent that the petitioners have been directed to appear before the Police in the preliminary inquiry and then be provided a copy of the complaint filed against them. The relevant direction issued by the High Court is as below :

“Petitioner may appear before Police in the preliminary inquiry and before they are interrogated, Police may provide them a copy of the complaint, on which, preliminary inquiry is being conducted.”

The background of the case is that a complaint appears to have

been filed against the petitioners on which no FIR has yet been lodged against them as has been noticed in Paragraph 5 of the impugned judgment.

The submission of the learned counsel for the petitioner is that the petitioners apprehend that in case they appear before the Police, they may be arrested. Learned counsel for the petitioners submitted that the copy of the complaint (or the FIR, if filed by now) be furnished to the petitioners and the petitioners shall thereafter appear before the Police for investigation as and when so required and shall fully cooperate.

In the aforesaid facts and circumstances, we dispose of this special leave petition with the direction that the petitioners shall be provided a copy of the complaint filed against them either by appearing personally before the Police or to their Advocate(s) duly authorized by them. The petitioners shall further fully cooperate in the investigation with regard to the complaint filed against them.

With the aforesaid observations, the special leave petition stands disposed of.

Pending applications, if any, stand disposed of accordingly.

(GULSHAN KUMAR ARORA)  
AR-CUM-PS

(R.S. NARAYANAN)  
COURT MASTER