



IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition (CRL) No. 467 of 2026

Deepak Kumar Alias Akki and Another.

..... Petitioners.

Versus

State of Uttarakhand
and others.

.....Respondents.

Present:

Mr. Navnish Negi, learned counsel for the petitioners.

Mrs. Sweta Badola Dobhal, learned Brief Holder for the State.

Hon'ble Mr. Justice Rakesh Thapliyal, J.

1. Instant matter was heard at length on 19.03.2026 and the State counsel raised serious objections in respect of relief (ii) to (iv) and pointed out that two First Information Reports have already been registered on the complaint of petitioner no. 1 but this fact has been suppressed though Mr. Navnish Negi, learned counsel for the petitioners, submits that no information has been given to the petitioner no. 1 with regard to the registration of subsequent FIR. On such submission, learned State counsel was directed to handover both the FIRs to Mr. Navnish Negi so that he may address why he has suppressed the fact about registration of two FIR on the complaint of petitioner no. 1. Apart from this, he was also directed to get instruction how much donations petitioner no. 1 has received.

2. Today, Mr. Navnish Negi argued in reference to relief no. 1 that the impugned FIR has been lodged in a partisan manner in order to harass and victimize the petitioners who infact intervene to protect a Muslim Shopkeeper from communal intimidation and with malafide intent in connivance with



police officials the impugned FIR has been lodged and as such the same be quashed.

3. Apart from this, Mr. Navnish Negi argued that impugned FIR is liable to be quashed since prima-facie from the contents of the FIR no cognizable offence is made out.

4. In reference to relief (ii) Mr. Navnish Negi submits that registration of two subsequent FIRs dated 08.02.2026 bearing FIR No. 0025 of 2026 and FIR dated 11.02.2026 bearing FIR No. 0028 of 2026 are nothing but an eyewash since those persons against whom the petitioner no. 1 made complaint are not shown as an accused, which itself reveals that the police officials anyhow want to save them and are in hand in glove with those who are infact main culprit and submits that there is no suppression of fact with regard to registration of two subsequent FIRs since, there was no such communication to the petitioner no. 1.

5. Learned counsel for the petitioners further submits that relief (iii) and (iv) have been sought because the petitioners have been implicated with malafide intent in collusion with police officials and this is the reason that by relief (iii) petitioners are praying for adequate police protection to them as well as to their families since there are regular threat perception to the petitioners.

6. In reference to relief (iv) Mr. Navnish Negi submits that the petitioners are praying for departmental enquiry against the erring police officials since they were in connivance with the persons against whom petitioner no. 1 made complaint.



7. He also submits that consequential relief as sought by virtue of relief (ii) to (iv) have no impact in any manner with the ongoing investigation.

8. In response to the submissions of Mr. Navnish Negi, learned Brief Holder for the State seriously object on relief (iii) and (iv) and submits that the petitioners are facing the investigation pursuant to the impugned FIR, therefore, they cannot ask for police protection. She further argued that since the petitioners are under investigation therefore, the police officials are also very cautious about their safety and this is the reason, they have been provided police protection from 03.02.2026 to 13.03.2026 and this fact has been suppressed by the petitioners in this petition.

9. Apart from this, learned Brief Holder for the State submits that “gymnasium” owned by the petitioner is located only at a distance of 100 meter from the concerned police station where the two subsequent FIRs have been registered, therefore, the submissions of learned counsel for the petitioners that they were not aware about the registration of two subsequent FIRs cannot be believed particularly when the petitioners are fully aware about the impugned FIR, which was also registered in the same police station. She submits that even otherwise the relief (ii) as sought in this petition has now rendered infructuous since on the complaint of the petitioner no. 1 two FIRs have already been registered.

10. Learned Brief Holder submits on written instructions that in order to secure the life and liberty of the petitioners police administration gave police protection to the petitioners from 03.02.2026 to 13.03.2026 and not only, this even a police picket was also deputed in the location where the “gym” of petitioner



no. 1 is located but this fact has been suppressed by them in this petition.

11. In addition to this, she also pointed out on written instructions that the Investigating Officer is repeatedly asking the petitioners to join the investigation, however, instead of cooperating with the investigation they are busy in social media sending messages and video to scandalize the incidents of 26.01.2026 and 31.01.2026, which may effect the law and order situation, inciting communal enmity and disruption of social harmony. She also submits that the Investigating Agency is investigating all the FIRs in fair and transparent manner and they are very cautious about safety of petitioners and their family members and there is no any threat to them. She also pointed out that ‘gymnasium’ of the petitioner no. 1 is always open and operating and the customers are regularly visiting the gym without any restriction and not only this even various persons of different association and the political parties are also regularly visiting “gymnasium” of the petitioner, which itself reveals that there is no threat to the petitioner and at this stage praying for the police protection by the petitioners, who are facing investigation pursuant to the impugned FIR, is nothing but to somehow influence the investigation as well as to scandalize the incident of 26.01.2026 and 31.01.2026.

12. Learned Brief Holder in reference to relief (iii) submits that the petitioners deliberately suppressed about giving police security to them from 03.02.2026 to 13.03.2026. She further submits that since the petitioner is under investigation, therefore, they cannot pray for the police protection and the Investigating Agency is very serious and cautious about their



safety also which is evident from the fact that earlier they were given police security.

13. In response to the submission of learned counsel for the petitioners with regard to relief (iv) learned Brief Holder for the State submits that praying for departmental enquiry against the police officials is nothing but an attempt to frustrate or to influence the ongoing investigation and praying for such a relief by a person, who is facing investigation, is wholly unwarranted. She submits that the investigation is being carried out in a fair and transparent manner and as on date notices under section 35(3) of BNSS, 2023 have been issued to 20 persons, who are suspects in respect of the incident of 26.01.2026 and 31.01.2026.

14. Learned Brief Holder for the State concluded her arguments by submitting that so far as the relief (i) is concerned, all the offences are punishable for less than seven years and the Investigating Officer is following the guidelines as formulated by the Hon'ble Apex Court in the case of **Arnesh Kumar vs. State of Bihar (2014) 8 SCC 273** and issuing notices to the suspected persons of the incidents of 26.01.2026 and 31.01.2026. She submits that impugned FIR cannot be quashed at this stage since it will affect the ongoing investigation of other FIRs including the FIR lodged on the complaint of the petitioner. She, on instructions, submits that as on date there is no any threat perception to the petitioners, however, if in future if needed police administration will regularly assess any threat perception and take appropriate steps. She also submits that the petitioners should also be restrained from sending messages and video in social platform with regard to incident of 26.01.2026 and 31.01.2026 and also restrained them not to



scandalize the issue. She also submits that the petitioners should hope and trust on the Investigating Agency that the investigation will be conducted in a fair and transparent manner.

15. Heard the arguments of learned counsel for the parties. So far as relief (i) is concerned, admittedly, all the offences are punishable for less than seven years and, therefore, the Investigating Officer is under legal obligation to follow the guidelines formulated by the Hon'ble Apex Court in the case of **Arnesh Kumar vs. State of Bihar (2014) 8 SCC 273** while conducting investigation. As informed Investigating Officer already issued notices under section 35(3) of BNSS, 2023 to 20 persons, which itself reveals that the Investigating Agency is following the guidelines as aforesaid.

16. So far as relief (ii) is concerned, the same has already been rendered infructuous since on the complaint of the petitioner no. 1 already two FIRs have been registered.

17. So far as relief (iii) is concerned, there is no need to issue any direction to provide police protection since the police security was initially provided to the petitioners from 03.02.2026 to 13.03.2026, which has not been disclosed by the petitioners in the instant petition. Apart from this, as informed by the learned Brief Holder for the State as on date there is no threat perception, therefore, any such security is not at all required at this stage and as and when it is needed the police administration may assess and take appropriate steps.

18. At this juncture, liberty is given to the petitioners that if the petitioners have any threat perception in future they can approach to the concerned S.S.P., however, the petitioners should hope and trust on the Investigating Agency that the



investigation will be conducted in a fair and transparent manner.

19. So far as relief (iv) is concerned, whereby, petitioners are praying for departmental enquiry against police the same is wholly unwarranted and cannot be granted since the same will hamper and frustrate the ongoing investigation.

20. Simultaneously, the petitioners, who are facing investigation pursuant to the impugned FIR are also restrained from sending any messages or video on social media platforms and to scandalize the incident of 26.01.2026 and 31.01.2026 and shall cooperate with the Investigating Agency and also directed not to indulge in any such activity which may affect law and order.

21. This court also hope and trust that the Investigating Agency shall conduct and conclude the investigation of the impugned FIR as well as the investigation of two subsequent FIRs dated 08.02.2026 bearing FIR No. 0025 of 2026 and FIR dated 11.02.2026 bearing FIR No. 0028 of 2026 in a fair and transparent manner.

22. Subject to the observations and directions as above, instant writ petition is disposed of finally with regard to relief (i). So far as relief (ii) is concerned the same has already been rendered infructuous and to this extent the writ is dismissed as infructuous. So far as relief (iii) and (iv) are concerned the writ petition is dismissed being devoid of merit.

23. No relief as to costs.

(Rakesh Thapliyal, J.)

20.03.2026



2026:UHC:1976

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