



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/2082/2026</u> M/s D. V. S. Industries Pvt. Ltd. and Another --Petitioners Versus State Of Uttarakhand and Others --Respondents <u>Hon'ble Pankaj Purohit, J.</u> Mr. T.A. Khan, learned senior counsel assisted by Ms. Jasmeen Wahid, learned counsel holding brief of Mr. Mohd. Shafy, learned counsel for petitioners. 2. Mr. Tumul Nainwal, learned A.G.A. with Ms. Sweta Badola Dobhal, learned Brief Holder for State of Uttarakhand. 3. Mr. Bhupesh Kandpal, learned counsel submits that he has got instruction to appear on behalf of respondent No.3. He may file his <i>Vakalatnama</i> during the course of day. 4. By means of this criminal writ petition, petitioners have put to challenge the FIR No.0176 of 2026 dated 27.08.2026, for the offences punishable under Sections 115(2) and 127(2) of BNS, registered with P.S. Pantnagar, District Udham Singh Nagar and further prayed for a direction to respondents not to cause any arrest of the Managing Director of petitioner Nos.1 and 2 pursuant to the aforesaid FIR.



5. After arguing a while, learned senior counsel for the petitioners has limited his argument to the extent that the Investigating Agency should comply with the guidelines given in **Arnesh Kumar Vs. State of Bihar and Another** reported in **(2014) 8 SCC 273**.

6. Since the offences under Sections 115(2) and 127(2) of BNS, carry a punishment less than seven years, therefore, before resorting to any arrest a prior notice under Section 35(3) of the B.N.S.S., 2023 (under Section 41A of Cr.P.C.) is necessary to be issued to the petitioners. Hence, it is provided that before taking any coercive measures against the petitioners, Investigating Officer shall abide by procedure given under Section 35(3) of the BNSS Act, 2023 (under Section 41A of Cr.P.C.). It is also directed that petitioners shall cooperate with the investigation.

7. Accordingly, the criminal writ petition stands disposed of.

8. Pending application, if any, also stands disposed of.

(Pankaj Purohit, J.)

13.10.2026