



2025:AHC-1 KO:84582-12H

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. WRIT PETITION No. - 10989 of 2025

Mo. Habeeb Khan

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Deptt. Of Home
Lko. And Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ashutosh Pratap Singh
Counsel for Respondent(s)	:	G.A.

Court No. - 11

**HON'BLE ABDUL MOIN, J.
HON'BLE MRS. BABITA RANI, J.**

1. On 20.11.2025, following order was passed:

"1. Heard learned counsel for the petitioner and the learned AGA for the State-respondent nos. 1 to 3.

2. This writ petition has been filed with a prayer to issue a writ, order or direction in the nature of Certiorari for quashing the impugned First Information Report dated 14.08.2025 registered as Case Crime No.0173 of 2025 under Sections 74, 85, 115(2), 351(2) of BNS, 2023 and Section 3/4 of Dowry Prohibition Act, 1961 at P.S. Maheshganj, District Pratapgarh.

3. Learned counsel for the petitioner states that the respondent no. 4 is the wife of the petitioner and there is every likelihood of the parties entering into a settlement in case the matter is referred to the Mediation Centre of this Court.

4. Considering the aforesaid, let notice be served to the opposite party No. 4 through opposite party no.3, S.H.O., Police Station- Maheshganj, District Pratapgarh who shall ensure the presence of the opposite party no.4 before this Court on 16.12.2025 only to ascertain from her as to whether she agrees for the matter being sent to Mediation and Conciliation Centre of this Court.

5. List this case on 16.12.2025.

6. In order to show their bonafide, let a sum of Rs.25,000/- be deposited by the petitioner before the Mediation Centre of this Court within a period of two weeks from today.

7. It is provided that in case the petitioner deposits the aforesaid amount before Mediation Centre of this Court within the time specified, then no coercive action shall be taken against the petitioner till the next date of listing in pursuance to the impugned FIR.

8. It is needless to mention that in case the petitioners fails to deposit the amount of Rs.25,000/- within a period of two weeks, benefit of this order shall not be available to him."

2. Learned AGA states on the basis of instructions dated 15.12.2025 given by Mr. Radhe Shyam, SHO,- Maheshganj, P.S.- District- Pratapgarh that he had informed respondent no.4 about the order dated 20.11.2025 on telephone but she has stated that her counsel has instructed her not to appear in the Court.

3. Considering the aforesaid instructions, it is evident that the respondent no.4 is not willing to settle the matter amicably.

4. Learned counsel for the petitioner has submitted that the offences as alleged in FIR carry maximum punishment for the term less than seven years imprisonment, whereas, the police is trying to arrest him, which is against the mandate of Bhartiya Nagrik Suraksha Sanhita.

5. Learned A.G.A. appearing for respondents-State has given a statement on behalf of investigating agency that because the offence allegedly committed by the petitioners, entails sentence of less than seven years, provisions of Section 35(3) Bhartiya Nagrik Suraksha Sanhita, 2023 shall be strictly followed in terms of judgments rendered by Hon'ble Supreme Court in re; ***Arnesh Kumar vs. State of Bihar and another - (2014) 8 SCC 273*** and ***Satender Kumar Antil vs. CBI and another- (2022) 10 SCC 51.***

6. Considering the stand of the investigating agency, learned counsel for the petitioner states that his petition be disposed of in view of the above said facts.

7. Accordingly, this petition is **disposed of** in view of the provisions of Section 35(3) Bhartiya Nagrik Suraksha Sanhita, 2023 and the law as laid down by the Apex Court in re; ***Arnesh Kumar (supra)*** and ***Satender Kumar Antil (supra)***.

8. However, it is directed that the petitioner shall appear before the Investigating Officer of the concerned police station whenever he is required, to cooperate in the investigation. Thereafter, he shall continue to cooperate in the investigation till its completion, failing which, protection of this order may be withdrawn on the application being moved by the prosecution or the complainant.

9. The amount of Rs.25,000/- deposited by the petitioner in compliance of the order dated 20.11.2025 be returned to him, forthwith.

(Mrs. Babita Rani,J.) (Abdul Moin,J.)

December 16, 2025

V. Sinha