



2025:AHC-LKO:86164-DH

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. WRIT PETITION No. - 11817 of 2025

Ankush @ Ankush Tiwari And Another

.....Petitioner(s)

Versus

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

.....Respondent(s)

Counsel for Petitioner(s)	:	Pramod Kumar
Counsel for Respondent(s)	:	G.A.

Court No. - 11

HON'BLE ABDUL MOIN, J.

HON'BLE MRS. BABITA RANI, J.

1. At the very outset, learned AGA on the basis of instructions sent by Sri Abhishek Singh, Sub Inspector, Police Station- Kotwali Nagar, District- Sultanpur dated 14.12.2025 states that in the First Information Report registered as Case Crime No. 0898 of 2025 dated 27.11.2025 under Sections 115 (2), 352, 351 (3) & 309 (4) of B.N.S, 2023 at Police Station- Kotwali Nagar District- Sultanpur Section 309 (4) of B.N.S, 2023 has been dropped. He further states that all the offences which now remain in the impugned First Information Report carry sentence of less than seven years.

2. Heard learned counsel for the petitioners and learned A.G.A. for the State.

3. In view of proposed order, notice to opposite party no.4 is hereby dispensed with.

4. This petition seeks issuance of direction in the nature of certiorari for quashing the impugned F.I.R. bearing No. 0898 of 2025 dated 27.11.2025 under Sections 115 (2), 352, 351 (3) & 309 (4) of B.N.S, 2023 at Police Station- Kotwali Nagar District- Sultanpu, a copy of which is annexure 1 to the writ petition.

5. Learned counsel for the petitioners 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 them, which is against the mandate of Bhartiya Nagrik Suraksha Sanhita.

6. 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.**

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

8. 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).**

9. However, it is directed that the petitioners shall appear before the Investigating Officer of the concerned police station whenever they are required to cooperate in the investigation. Thereafter, they 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.

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

December 17, 2025

Pachhere/-