



2025:AHC-LKO:8520H-12H

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. WRIT PETITION No. - 11913 of 2025

Suhel

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Deptt. U.P.
Lko. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Iqbal Ali
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 states on the basis of instructions sent by Virendra Singh, Sub-Inspector, Police Station Dhaurahara, District Kheri dated 13.12.2025 that after loding of the FIR dated 02.11.2025 which has been challenged by the petitioner, Sections 75, 78 and 351(2) of BNS2023 and 7 & 8 of the POCSO Act, as indicated in the impugned FIR have now been replaced to Sections 126(2), 75, 351(2) of the B.N.S., 2023 and Sections 11 & 12 of the POCSO Act.
2. Upon the same being pointed out, learned counsel for the petitioner prays for and is permitted to amend the prayer clause during course of the day.
3. Heard learned counsel for the petitioner and learned A.G.A. for respondents no.1 to 3.
4. In view of proposed order, notice to opposite party no.4 is hereby dispensed with.
5. This petition seeks issuance of direction in the nature of certiorari for quashing the impugned F.I.R. bearing FIR/Case Crime No. 0702 of 2025, under Sections 126(2), 75, 351(2) of the B.N.S., 2023 and Sections 11 & 12 of the POCSO Act, Police Station- Dhaurahara, District- Kheri.
6. 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.

7. 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 petitioner, 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.**

8. 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.

9. 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).**

10. 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.

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

December 17, 2025

A. Katiyar