2026:AHC:186773-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 21333 of 2026

Arun Tunda Alias Rajendra Singh

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

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

Court No. - 48

HON'BLE CHANDRA DHARI SINGH, J.
HON'BLE TARUN SAXENA, J.

1. The present writ petition has been preferred with the prayer to quash the impugned First Information Report dated 26.07.2026 in Case Crime No.200 of 2026, under Sections 276, 277, 318, 319 of BNS, Police Station Inchauli, District Meerut and for a direction to the respondents not to arrest the petitioner in pursuance of impugned First Information Report.

2. Learned counsel appearing on behalf of petitioner after some length of arguments on merits made an innocuous prayer that before arresting the petitioner police may be directed to follow the principle laid down by Hon'ble Apex Court in the case of **Arnesh Kumar Vs. State of Bihar reported in (2014) 8 SCC 273.**

3. Per contra, learned A.G.A. appearing on behalf of State vehemently opposed the petition on merits but he has no objection to the innocuous prayer made by learned counsel for the petitioner.

4. Heard learned counsel appearing on behalf of the petitioner, Mr. K.P. Pathak, learned A.G.A. appearing on behalf of the State and perused the record.

5. Taking into consideration the submissions and prayer made by learned counsel for the petitioner and no objection by learned A.G.A. on innocuous prayer made by learned counsel for the petitioner, we are inclined to allow the innocuous prayer made by learned counsel for the petitioner.

6. The writ petition is disposed of with a direction to the authorities concerned to ensure the procedure of arrest as per the guidelines of the Supreme Court enshrined in the case of **Arnesh Kumar Vs. State of Bihar reported in (2014) 8 SCC 273** and provision of Section 35(3) of B.N.S.S.

(Tarun Saxena,J.) (Chandra Dhari Singh,J.)

September 8, 2026
SK Srivastava

Digitally signed by :-
SAILESH KUMAR SRIVASTAVA
High Court of Judicature at Allahabad