HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 21538 of 2026

Sanjay Kumar Tetarbe

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Nitin Sharma, Vikash Chandra Tiwari
Counsel for Respondent(s)	:	G.A.

Court No. - 44

HON'BLE SIDDHARTHA VARMA, J.
HON'BLE JAI KRISHNA UPADHYAY, J.

1. Heard learned counsel for the petitioner and learned AGA for the State-respondents.

2. Although, the prayer made in this writ petition is to quash the First Information Report dated 16.09.2018 giving rise to Case Crime No.0988 of 2018, under Sections 420, 406, 120-B of IPC, Police Station - Ghaziabad Kotwali, District - Ghaziabad, but at the time when the matter is taken up learned counsel for the petitioner confines his relief to grant of protection under section 41-A of Code of Criminal Procedure.

3. We have perused the the First Information Report, which *prima facie* discloses commissioning of cognizable offence and, therefore, the prayer made to quash F.I.R. otherwise cannot be entertained in view of the law laid down by the Supreme Court in the case of **State of Telangana Vs. Habib Abdullah Jellani, (2017) 2 SCC 779** and **Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra and Others, (2021) SCC Online SC 315**.

4. We are of the view that no interference is warranted.

5. However, considering the fact that all offences mentioned in the present case are punishable with a term up to 7 years, the authorities are directed 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**.

6. It is expected of the police not to harass the petitioner till the conclusion of the investigation in any manner whatsoever. However, the petitioner shall co-operate in the investigation.

7. The writ petition, accordingly, is **disposed of**.

September 9, 2026
vijay krishna

(Jai Krishna Upadhyay,J.) (Siddhartha Varma,J.)

Digitally signed by :-
VIJAY KRISHNA JAISWAL
High Court of Judicature at Allahabad