2026:AHC-LKO:39248-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

CRIMINAL MISC. WRIT PETITION No. - 4897 of 2026

Siddharth Kumar Pandey (In Fir Siddharth Pandey)
.....Petitioner(s)

Versus

State Of U.P. Thru. Secy. Home Deptt. Lko. And Others
.....Respondent(s)

Counsel for Petitioner(s)	:	Raj Kumar, Paritosh Shukla
Counsel for Respondent(s)	:	G.A.

Court No. - 10

HON'BLE RAJNISH KUMAR, J.
HON'BLE MRS. BABITA RANI, J.

1. Heard Sri Raj Kumar, learned counsel for the petitioner and learned AGA.

2. At the very outset, learned counsel for the petitioners submits that he does not want to press the prayer No.1 for quashing the impugned F.I.R., therefore, this petition may be dismissed as not pressed in regard to the prayer No.1. To which, there is no objection by the learned A.G.A.

3. In view of above, the petition in regard to the prayer No.1 is dismissed as not pressed. Now this petition survives only for the prayer Nos.2,3 and 4, which are quoted herein below:-

"(ii) Issue a writ, order or direction in the nature of mandamus commanding and directing the respondent authorities not to arrest the petitioner on the basis of the impugned F.I.R. dated 22.04.2026 bearing F.I.R. No.86/2026, under Sections 351(3) BNS(506 IPC), 78(2) BNS(354D IPC), Police Station Kotwali Nagar, District Balrampur.

(iii) Issue a writ, order or direction in the nature of mandamus commanding and directing the respondent authorities to comply with provisions incorporated under Section 41-A Cr.P.C.(now Section 35(3) BNSS) and also the law laid down by the Hon'ble Apex Court in the case of Arnesh Kumar versus State of Bihar reported in (2014) 8 SCC 273.

(iv) Any other order or direction which this Hon'ble court may deem fit and proper under the circumstances of the case."

4. Learned counsel for the petitioner submits that the offences in the impugned F.I.R. carry punishment up to seven years but the police is harassing the petitioner and trying to arrest him, whereas in a case where the punishment is up to seven years, the provision of Section 35(3) of the Bhartiya Nagrik Suraksha Sanhita, 2023 is to be strictly followed in terms of judgments rendered by the Hon'ble Supreme Court in re;

5. Learned A.G.A. does not dispute the submissions of learned counsel for the petitioner that the offence mentioned in the impugned F.I.R. carry punishment less than seven years, therefore, he states that the provision of Section 35(3) of the Bhartiya Nagrik Suraksha Sanhita, 2023 shall be strictly followed in terms of judgments rendered by the Hon'ble Supreme Court in re; **Arnesh Kumar (Supra) and Satender Kumar Antil (Supra)** and the question of arrest of the petitioner does not arise.

6. Accordingly, this petition is **disposed of** in view of the aforesaid statement of learned A.G.A.

(Mrs. Babita Rani,J.) (Rajnish Kumar,J.)

May 29, 2026
Akanksha Sri/-

Digitally signed by :-
AKANKSHA SRIVASTAVA
High Court of Judicature at Allahabad,
Lucknow Bench