2026:AHC-LKO:39716-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

CRIMINAL MISC. WRIT PETITION No. - 5280 of 2026

Nanbabu Thru. Guardian Mother Sadhna Devi

.....Petitioner(s)

Versus

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

.....Respondent(s)

Counsel for Petitioner(s)	:	Tripti, Patanjali Chaturvedi
Counsel for Respondent(s)	:	G.A.

Court No. - 9

HON'BLE RAJESH SINGH CHAUHAN, J.
HON'BLE ZAFEER AHMAD, J.

1. Heard learned counsel for the petitioner and Ms. Meera Tripathi, learned Additional Government Advocate appearing for the State.

2. Since the point involved in the present writ petition is trivial in nature, the writ petition is being heard and decided at the admission stage.

3. By means of this writ petition, the petitioner seeks issuance of a direction in the nature of certiorari for quashing the impugned First Information Report No. 0110 dated 01.05.2026 under Section 115(2), 352, 351(3), 118(1) of BNS, Police Station- Rehra Bazar, District Balrampur.

4. Learned counsel for the petitioners has submitted that the offences as alleged in the First Information Report have 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.

5. Learned Additional Government Advocate appearing for State-opposite parties 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 the 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, Special Leave to Appeal (Criminal) No. 5191 of 2021: (2022) 10 SCC 51**.

6. Considering the stand of the Investigating Agency, learned counsel for the petitioner states that this petition may be disposed of in view of the above said facts.

7. 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)**.

8. However, it is directed that the petitioner shall appear before the Investigating Officer of the concerned police station on 4th June, 2026 between 11 AM to 4 PM for the purpose of recording his statement. The petitioner 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.

(Zafeer Ahmad,J.) (Rajesh Singh Chauhan,J.)

May 29, 2026
Fahim/-

Digitally signed by :-
MOHD FAHIM AKHTAR
High Court of Judicature at Allahabad,
Lucknow Bench