2026:AHC-LKO:39546-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

CRIMINAL MISC. WRIT PETITION No. - 5296 of 2026

Chandrashekhar And Another

.....Petitioner(s)

Versus

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

.....Respondent(s)

Counsel for Petitioner(s)	:	Prem Prakash Singh
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 petitioners and Sri S.P. Singh, learned A.G.A. appearing for the State-opposite parties no.1 to 3 and perused the record.

2. In view of the proposed order, notice to opposite party no.4 is hereby dispensed with.

3. This petition seeks issuance of direction in the nature of certiorari for quashing the impugned F.I.R. bearing FIR/Case Crime No.0110 of 2026, for the offence under Sections 191(2), 221, 121(1), 132, 352, 351(3), 324(3) of B.N.S. and Sections 3(1) r, s and 3(2)(va) of SC/ST Act, Police Station- Ahirauli, District- Ambedkar Nagar.

4. Learned counsel for the petitioners has submitted that the offences as alleged in the FIR have maximum punishment for the term less than seven years imprisonment, whereas the police is trying to arrest the petitioners, which is against the mandates of Bhartiya Nagrik Suraksha Sanhita.

5. Learned A.G.A. appearing for respondent-State 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 petitioners states that let this petition 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 the cases of **Arnesh Kumar** (supra) and **Satender Kumar Antil** (supra).

8. However, it is directed that the petitioners shall appear before the Investigating Officer of the concerned police station on 04.06.2026 between 11:00 AM to 04:00 PM for the purpose to cooperate in the investigation. Thereafter, they 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
RBS/-

Digitally signed by :-
RAM BIR SINGH
High Court of Judicature at Allahabad,
Lucknow Bench