Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 9873 of 2024

Petitioner :- Ankit Singh And 3 Others
Respondent :- State Of U.P. Thru. Addl. Chief Secy./Prin. Secy. Deptt. Home Lok Bhawan Lko And 4 Others
Counsel for Petitioner :- Rohit Kumar Tripathi,Navneet Upadheyay,Pooja Singh,Rama Soni
Counsel for Respondent :- G.A.

Hon'ble Vivek Chaudhary,J.
Hon'ble Om Prakash Shukla,J.

Heard learned counsel for the petitioners, learned A.G.A. appearing for the State/opposite parties and perused the record.

This petition seeks issuance of direction in the nature of certiorari for quashing the impugned F.I.R. dated 23.11.2024, bearing Case Crime No.0330 of 2024, for the offence under Sections 115(2),352,351(2),351(3) of B.N.S.,2023, registered at Police Station Dospur, District Sultanpur.

Learned counsel for the petitioners has submitted that the offences as alleged in FIR have maximum punishment for the term less than seven years imprisonment, whereas, the police is trying to arrest them, which is against the mandates of Bharatiya Nagarik Suraksha Sanhita, 2023.

Learned Additional Government Advocate 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) of Bharatiya Nagarik Suraksha Sanhita,2023. shall be strictly followed in terms of judgment rendered by Hon'ble Supreme Court of India in a case reported in ***(2014) 8 SCC 273: Arnesh Kumar vs. State of***

Bihar and another.

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.

Accordingly, this petition is disposed of in view of the provisions of Section 35(3) of Bharatiya Nagarik Suraksha Sanhita, 2023. and the law as laid down by Apex Court in the case of ***Arnesh Kumar (supra)***.

(Om Prakash Shukla,J.) (Vivek Chaudhary,J.)

Order Date :- 20.12.2024
Arjun/-

Digitally signed by :-
ARJUN CHAUDHARY
High Court of Judicature at Allahabad,
Lucknow Bench