2026:AHC:210762-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 21973 of 2026

Sanjay Kumar Agrawal

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s) : Ajay Kumar Pandey, Jaideep Tripathi
Counsel for Respondent(s) : G.A.

Court No. - 48

HON'BLE CHANDRA DHARI SINGH, J.
HON'BLE TARUN SAXENA, J.

1. The present writ petition has been preferred with the following main reliefs:-

"I. Issue a writ, order or direction in the nature of certiorari quashing the F.I.R. dated 09-08-2026 registered as Case Crime No. 0122 of 2026, under Sections 316(2), 351(3), 131, 352 of B.N.S. (corresponding section 409, 506, 352 and 504 I.P.C.) registered at Police Station- Manikpur, District- Chitrakoot (Annexure No. 1), with all its consequential effects.

II. Issue a writ, order or direction in the nature of mandamus commanding the respondent (specially the respondent no.2) to not to arrest and harass the petitioner in any manner what so ever in pursuance of the F.I.R. dated 09-08-2026 registered as Case Crime No. 0122 of 2026, under Sections 316(2), 351(3), 131, 352 of B.N.S. (corresponding section 409, 506, 352 and 504 I.P.C.) registered at Police Station- Manikpur, District Chitrakoot during the pendency of the present writ petition before this Hon'ble Court."

2. Learned counsel appearing on behalf of petitioner after some length of arguments on merits made an innocuous prayer that before arresting the petitioner police may be directed to follow the principle laid down by Hon'ble Apex Court in the case of ***Arnesh Kumar Vs. State of Bihar*** reported in ***(2014) 8 SCC 273***.

3. *Per contra*, learned A.G.A. appearing on behalf of the State

vehemently opposed the petition on merits but he has no objection to the innocuous prayer made by learned counsel for the petitioner.

4. Heard learned counsel appearing on behalf of the petitioner, Mr. S.N. Tiwari, learned A.G.A. appearing on behalf of the State and perused the record.

5. Taking into consideration the submissions and prayer made by learned counsel for the petitioner and no objection by learned A.G.A. on innocuous prayer made by learned counsel for the petitioner, we are inclined to allow the innocuous prayer made by learned counsel for the petitioner.

6. The writ petition is **disposed of** with a direction to the authorities concerned 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*** and provision of Section 35(3) of B.N.S.S.

(Tarun Saxena,J.) (Chandra Dhari Singh,J.)

October 8, 2026
Atul

Digitally signed by :-
ATUL KUMAR SRIVASTAVA
High Court of Judicature at Allahabad