2026:AHC:211134-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 22718 of 2026

Salman And 10 Others

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Dubey Amit Kumar Devendra Nath, Prabhat Kumar Singh
Counsel for Respondent(s)	:	G.A.

Court No. - 48

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

1. The instant writ petition has been filed seeking following main reliefs:-

"(i) issue a writ, order or direction in the nature of certiorari quashing the impugned first information report dated 31.08.2026 registered as Case Crime No.0566 of 2026, Under Section-85, 115(2), 352, 351(3), 74 of Bhartiya Nyaya Sanhita (B.N.S.), 2023 and Section-3/4 of Muslim Women (Protection of Rights on Marriage) Act, 2019 and Section-3/4 of Dowry Prohibition Act, 1961, Police Station-Lohiya Nagar, District- Meerut (Annexure No.1 to the writ petition).

(ii) issue a writ, order or direction in the nature of mandamus directing the respondent No.2 & 3 not arrest the petitioners in pursuance of the impugned first information report dated 31.08.2026 registered as Case Crime No.0566 of 2026, Under Section-85, 115(2), 352, 351(3), 74 of Bhartiya Nyaya Sanhita (B.N.S.), 2023 and Section-3/4 of Muslim Women (Protection of Rights on Marriage) Act, 2019 and Section-3/4 of Dowry Prohibition Act, 1961, Police Station-Lohiya Nagar, District- Meerut."

2. Learned counsel appearing on behalf of petitioners 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 State vehemently opposed the petition on merits but he has no objection to the innocuous prayer made by learned counsel for the petitioners.

4. Heard learned counsel appearing on behalf of the petitioners, Mr. R.K. Gupta, 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 petitioners and no objection by learned A.G.A. on innocuous prayer made by learned counsel for the petitioners, we are inclined to allow the innocuous prayer made by learned counsel for the petitioners.

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
Saurabh

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