2026:AHC:211101-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 22957 of 2026

Vishal Rathour And 3 Others

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Neeraj Pal
Counsel for Respondent(s)	:	G.A., Rajendra Prasad Mishra, Umesh Kumar Dubey

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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 nature of certiorari for quashing the First Information Report 12.08.2026 registered as Case Crime No. 0300 of 2026 Under Section 115(2), 126(2) , 352, 351(3), of BNS., Police Station- Naubasta, District-Kanpur, (annexure no.4) to this writ petition.

(ii) Issue a writ, order or direction in the nature of mandamus commanding the respondents to not to arrest the petitioners in pursuance of First Information Report dated 12.08.2026 registered as Case Crime No. 0300 of 2026 Under Section 115(2),126(2), 352, 351(3), of BNS., Police Station-Naubasta, District-Kanpur.

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 and learned counsel for the respondent no. 4 vehemently opposed the

petition on merits but they have no objection to the innocuous prayer made by learned counsel for the petitioners.

4. Heard learned counsel appearing on behalf of the petitioners, Mr. S.K. Ojha, learned A.G.A. appearing on behalf of the State, Mr. Umesh Kumar Dubey, learned counsel for the respondent no. 4 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. as well as learned counsel for the respondent no. 4 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