2026:AHC:210123-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 22831 of 2026

Ritambhar Pandey

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Pankaj Kumar Singh
Counsel for Respondent(s)	:	G.A., Siddharth Srivastava

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 to quash the impugned First Information Report dated 27.08.2026 registered as Case Crime No. 270 of 2026, under Section 79, 351(3), 352 B.N.S. [Old Section 509, 506, 504 IPC], Police Station Kaptanganj, District Azamgarh.

(ii) Issue a writ, order or direction in the nature of mandamus commanding/directing the respondent authorities concerned to not to take any coercive measures against the petitioner pursuant to First Information Report dated 27.08.2026 registered as Case Crime No. 270 of 2026, under Section 79, 351(3), 352 B.N.S. [Old Section 509, 506, 504 I.P.C.], Police Station-Kaptanganj, District-Azamgarh."

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 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 Mr. Pankaj Kumar Singh, learned counsel appearing on behalf of the petitioner, 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 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 7, 2026
Saurabh

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