2026:AHC:210628-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 23402 of 2026

Sultan Alias Sultan Ahmad Khan

.....Petitioner(s)

Versus

State Of Uttar Pradesh And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Vivek Kumar Tiwari
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 writ of certiorari quashing the impugned first information report dated 22.07.2026 which is registered as Case Crime No.70 of 2026, Under Section 85, 115(2), 351(2) B.N.S., Police Station-Kotwali, District-Moradabad (Annexure No.1 to this writ petition).

(ii) Issue a writ order or direction in the nature of writ of mandamus commanding the respondent no. 2 not to arrest the petitioner in pursuance of the first information report dated 22.07.2026 which is registered as Case Crime No.70 of 2026, Under Section 85, 115(2), 351(2) B.N.S., Police Station-Kotwali, District-Moradabad, during the pendency of the instant 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 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. K.P. Pathak, 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