2026:AHC:211751-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 23726 of 2026

Kallu @ Pramod Pandey And 2 Others

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Indra Deo Mishra, Pankaj Kumar Tiwari, Pradeep Kumar Shukla
Counsel for Respondent(s)	:	G.A., Rajkumar Verma, Satya Dheer Singh Jadaun

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 First Information Report dated 11.09.2026 as case crime no. 0242 of 2026 under section 115(2), 352, 351(2) BNS 2023 and 3(2)(va), 3(1)(dha) Schedule Caste and Schedule Tribe Prevention of Atrocities Act 1989 in pursuance of impugned First Information Report dated 11.09.2026 lodged by the respondent no 3 at Police Station Charwa Distt. Kaushambi.

(ii) Issue a writ, order or direction in the nature of mandamus commanding the respondents not to arrest the petitioner in case Crime No. 0242 of 2026 under section 115(2), 352, 351(2) BNS 2023 and 3(2)(va), 3(1)(dha) Schedule Caste and Schedule Tribe Prevention of Atrocities Act 1989 in pursuance of impugned First Information Report dated 11.09.2026 lodged by the respondent no 3 at Police Station Charwa Distt. Kaushambi."

2. Learned counsel appearing on behalf of petitioners after some length of arguments on merits made an innocuous prayer that before arresting the petitioners 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. 3 vehemently opposed the petition on merits but they have no objection to the innocuous prayer made by learned counsel for the petitioners.

4. Heard Mr. Indra Deo Mishra, learned counsel appearing on behalf of the petitioners, learned A.G.A. appearing on behalf of the State, Mr. Rajkumar Verma, learned counsel for the respondent no. 3 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. 3 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