HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 23519 of 2026

Gulab And 3 Others

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Vijay Kumar, Vishnu Prasad
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 calling for record and quashing the impugned First Information Report 13.09.2026 (Annexure No.1 to the writ petition), registered as Case Crime No.550 of 2026, under Sections 110, 125, 115(2), 352 and 351(3) of the Bharatiya Nyaya Sanhita (B.N.S.), 2023, at Police Station Kotwali Nagar Karvi, District Chitrakoot.

(ii) issue a writ, order or direction in the nature of Mandamus restraining the respondents from taking any coercive measures against the petitioners in pursuance of the First Information Report 13.09.2026 (Annexure No. 1 to the writ petition), registered as Case Crime No. 550 of 2026, under Sections 110, 125, 115(2), 352 and 351(3) of the Bharatiya Nyaya Sanhita (B.N.S.), 2023, at Police Station Kotwali Nagar Karvi, District Chitrakoot."

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. S.N. Tiwari, 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 7, 2026
Saurabh

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