2026:AHC:209928-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 23549 of 2026

Havaldar Yadav

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Anurag Upadhyay
Counsel for Respondent(s)	:	G.A.

Court No. - 48

HON'BLE CHANDRA DHARI SINGH, J.
HON'BLE TARUN SAXENA, J.

1. The present writ petition has been preferred with the following main reliefs:-

"(i) issue a writ, order or direction in the nature of Certiorari quashing the impugned F.I.R. dated 10.09.2026, which has been registered as Case Crime No.0377 of 2026, under Section 3/7 Essential Commodities Act, Police Station- Sidhari, District- Azamgarh (Annexure No.1 to this writ petition);

(ii) issue a writ, order or direction in the nature of Mandamus directing to the respondent authorities not to arrest and harass the petitioner in pursuance of the impugned F.I.R. dated 10.09.2026, which has been registered as Case Crime No.0377 of 2026, under Section 3/7 Essential Commodities Act, Police Station- Sidhari, District- Azamgarh (Annexure No.1 to this writ petition)."

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 the 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. 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
Atul

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