HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 23953 of 2026

Prem Singh And 3 Others

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s) : Rahul Yadav, Sanjeev Yadav
Counsel for Respondent(s) : G.A., Shyam Sunder Mishra

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 writ, order or direction in the nature of certiorari quashing the impugned First Information Report dated 19.08.2026 being as Case Crime No. 559 of 2026, Under Section 318(4), 329(3), 329(4), 305(a), 331(4), 191(2), 115(2), 352, 351(3), 61(2) B.N.S., Police Station Jagdishpura, District Agra (Annexure No. 1 to the writ petition).*

(ii) Issue writ, order or direction in the nature of mandamus commanding and directing to respondent no. 2 not to arrest and harass to the petitioners in pursuance of the impugned first information report dated 19.08.2026 being as Case Crime No. 559 of 2026, Under Section 318(4), 329(3), 329(4), 305(a), 331(4), 191(2), 115(2), 352, 351(3), 61(2) B.N.S., Police Station Jagdishpura, District Agra."

2. Learned counsel appearing on behalf of the petitioners, after some length of arguments on merits, submitted that since the maximum punishment prescribed for the offences alleged in the impugned F.I.R. is up to seven years, he confines his prayer to an innocuous relief that the police authorities may be directed to comply with the mandatory procedure as laid down by the Supreme Court in the case of ***Arnesh Kumar vs. State of Bihar*** reported in ***(2014) 8 SCC 273*** before effecting the arrest of the petitioners.

3. Per contra, learned A.G.A. appearing on behalf of the State as well as learned counsel for respondent no. 3 vehemently opposed the writ petition

on merits but they have no objection to the innocuous prayer made by learned counsel for the petitioners.

4. Heard learned counsel appearing on behalf of the petitioners, Mr. Shyam Sunder Mishra, learned counsel for respondent no. 3, Mr. K.P. Pathak, learned A.G.A. appearing on behalf of the State and perused the record.

5. Considering the fact that the offences as levelled in the F.I.R. are punishable with imprisonment up to seven years only, coupled with the innocuous prayer made by learned counsel for the petitioners and no objection expressed by learned A.G.A., thereto, this Court is inclined to allow the said innocuous prayer.

6. Accordingly, 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 the mandate of Section 35(3) of B.N.S.S.

(Tarun Saxena,J.) (Chandra Dhari Singh,J.)

October 27, 2026
SK Srivastava

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