HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 23976 of 2026

Sanjay And 4 Others

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Dinesh Kumar Gupta, Raghawendra Singh
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 to quash the impugned F.I.R. dated 6.5.2026 in case crime no. 73 of 2026 Under Sections 191(2), 115(2), 352, 324(2) of Bharatiya Nyay Sanhita, Police Station Phephana, District Ballia (Annexure No.1 to the writ petition).

(ii) Issue a writ, order or direction in the nature of mandamus to stay the arrest of the petitioners in pursuance of impugned F.I.R. dated 6.5.2026 in case crime no. 73 of 2026 Under section 191(2), 115(2), 352, 324(2) of Bharatiya Nyay Sanhita Police Station Phepana District Ballia."

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 vehemently opposed the writ 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.K.Ojha, 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
Saurabh

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