HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 24803 of 2026

Kiran Devi

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Rajeev Upadhyay
Counsel for Respondent(s)	:	G.A., Mata Prasad Pal, Ram Chandra Yadav

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Court No. - 48

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

1. Learned counsel for the petitioner made an oral prayer to amend the prayer clause of the writ petition.

2. Learned AGA has no objection to the aforesaid prayer.

3. The oral prayer is allowed. Learned counsel for the petitioner is permitted to make the necessary corrections in the prayer clause of the writ petition, during course of the day.

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

> *i) Issue a writ, order or direction in the nature of writ of certiorari to quash the impugned F.I.R. dated 17.07.2026 registered as F.I.R./Case Crime No.264 of 2026, under Sections 419, 420 IPC, Police Station- Maudarwaja, District-Fatehgarh (Farrukhabad) (Annexure-1 to the writ petition).*
>
> *ii) Issue a writ, order or direction in the nature of Mandamus commanding the respondents not to arrest the petitioner in pursuance of the impugned first information report during the pendency of the writ petition.*

5. Learned counsel appearing on behalf of the petitioner, 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 petitioner.

6. 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 petitioner.

7. Heard Mr. Rajeev Upadhyay, learned counsel appearing on behalf of the petitioner, Mr. Rizwan Ahmad, learned A.G.A. appearing on behalf of the State and perused the record.

8. 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 petitioner and no objection expressed by learned A.G.A., thereto, this Court is inclined to allow the said innocuous prayer.

9. 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.

October 28, 2026
Prajapati RK

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

Digitally signed by :-
RAMKESH PRAJAPATI
High Court of Judicature at Allahabad