HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 24109 of 2026

Jhola Chaap Doctor Shyam Lal

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Akhilendra Singh, Manoj Kumar Gupta
Counsel for Respondent(s)	:	G.A., Shivam Singh

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:-

"(a). Issue a writ, order or direction in the nature of certiorari to quash impugned first information report dated 16.09.2026 in Case Crime No. 227 of 2026, under Sections 318(4), 125(a), 351(3) of the B.N.S. and Section 34(2) of National Medical Commission Act 2019, registered at Police Station Khuda Ganj, District Shahjahanpur, during pendency of the writ petition.

(b). Issue a writ, order or direction in the nature of mandamus directing the respondent nos. 2 & 3 not to arrest the petitioner in pursuance of the impugned first information report dated 16.09.2026 in Case Crime No. 227 of 2026, under Sections 318(4), 125(a), 351(3) of the Bhartiya Nyaya Sanhita, 2023, and section 34(2) of National Medical Commission Act 2019, registered at Police Station Khuda Ganj, District Shahjahanpur, during pendency of the 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 as well as Sri Shivam Singh, learned counsel for the respondent no. 4 vehemently opposed the petition on merits but they have no objection to the innocuous prayer made by learned counsel for the petitioner.

4. Heard Sri Manoj Kumar Gupta, learned counsel appearing on behalf of the petitioner, Sri S.K. Ojha, learned A.G.A. appearing on behalf of the State, Sri Shivam Singh, learned counsel for the respondent no. 4 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.

October 5, 2026
Vikram

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

Digitally signed by :-
VIKRAM SINGH
High Court of Judicature at Allahabad