2026:AHC:210514-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 24359 of 2026

Sunil Sahu And 4 Others

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Prashant Yadav
Counsel for Respondent(s)	:	G.A., Gaurav Pratap Singh, Shakti Shanker Tiwari, Subhash Chandra Tiwari

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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 nature of certiorari for quashing the impugned First Information Report dated 23.09.2026 registered as Case Crime No. 533 of 2026, under Sections 191(2), 308(4), 352, 324(5) B. N.S., Police Station Nawabad, District-Jhansi (annexure no.1) to this writ petition.

ii) issue a writ, order or direction in the nature of mandamus commanding the respondents to not to arrest the petitioners in pursuance of First Information Report dated 23.09.2026 registered as Case Crime No. 533 of 2026, under Sections 191(2), 308(4), 352, 324(5) B.N.S., Police Station Nawabad, District-Jhansi."

2. Learned counsel appearing on behalf of petitioners after some length of arguments on merits made an innocuous prayer that before arresting the petitioners 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 petitioners.

4. Heard learned counsel appearing on behalf of the petitioners, Mr. Dev Vrat Dwivedi, learned counsel for respondent no.4, Mr. S.K. Ojha, 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 petitioners, no objection made by learned counsel for respondent no.4 and learned A.G.A. on innocuous prayer made by learned counsel for the petitioners, we are inclined to allow the innocuous prayer made by learned counsel for the petitioners.

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