HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 24799 of 2026

Pradeep Kumar

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Sushil Kumar Dubey
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 nature of certiorari quashing the first information report dated 06.12.2025 lodged by respondent no. 3 in Case Crime No. 0684 of 2025, Under Section 66-D I.T. Act, P.S. Vrindavan, District Mathura (annexure no. 5 to the writ petition).*

(ii) Issue a writ, order or direction in the nature of Mandamus directing the respondent no. 2 not to arrest to the petitioner in connection with Case Crime No. 0684 of 2025, Under Section 66-D I.T. Act, P.S. Vrindavan, District Mathura."

2. 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.

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 petitioner.

4. Heard learned counsel appearing on behalf of the petitioner, Mr. Vijay Rathi, 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 petitioner 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 28, 2026
SK Srivastava

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