HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRITE PETITION No. - 24798 of 2026

Monika And 4 Others

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ambleshwar Pandey, Juveriya Kazmi, Naman Srivastava
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 an appropriate writ, order or direction quashing the impugned F.I.R. dated 24.09.2026 bearing Case Crime No. 0245 of 2026 under Sections 115(2), 352, 351(2) and 191(2) B.N.S., 2023, Police Station Saidnagli, District Amroha.*

(ii) Issue an appropriate writ, order or direction commanding the respondents not to take any coercive measures, including arrest, against the petitioners in pursuance to the aforesaid F.I.R., during the pendency of the present writ petition.

(iii). Issue an appropriate writ, order or direction quashing the subsequent proceedings, including charge-sheet, summoning order and all proceedings arising out of the aforesaid F.I.R."

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 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 petitioners.

4. Heard Ms. Juveriya Kazmi, learned counsel appearing on behalf of the petitioners, Mr. S.N. Tiwari, 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 28, 2026
SK Srivastava

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