HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 25392 of 2026

Dharmendra Kumar

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Satya Narayan Yadav
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 the nature of writ of certiorari to quash the impugned F.I.R. dated 09.10.2023 registered as F.I.R./Case Crime No.5867 of 2023, under Sections 135 of the Electricity Act (Amendment), 2023, Police Station- Anti Power Theft Firozabad, District-Firozabad (Annexure-1 to the writ petition).*
>
> *ii) Issue a writ, order or direction in the nature of Mandamus commanding the respondent no.2 not to arrest the petitioner in pursuance of the impugned first information report dated 09.10.2023 registered as F.I.R./Case Crime No.5867 of 2023, under Sections 135 of the Electricity Act (Amendment), 2023, Police Station- Anti Power Theft Firozabad, District-Firozabad.*

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, 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 27, 2026
Prajapati RK

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