HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 26393 of 2026

Durga Prasad

.....Petitioner(s)

Versus

State Of Uttar Pradesh And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ajay Sengar, Prateek Rai
Counsel for Respondent(s)	:	Akash Yadav, G.A., Ram Pravesh Yadav

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Court No. - 48

HON'BLE CHANDRA DHARI SINGH, J.
HON'BLE HARVIR SINGH, 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 Certiorari quashing the impugned First Information Report dated 27.9.2026 registered against the petitioner as Case Crime No. 289 of 2026, under Sections 318 (2) and 352 of BNS, Police Station Belhar Kala, district Sant Kabir Nagar.

ii) Issue a writ, order or direction in the nature of Mandamus commanding and directing the police not to arrest / harass the petitioner in Case Crime No. 289 of 2026, under Sections 318 (2) and 352 of BNS, Police Station Belhar Kala, district Sant Kabir Nagar, during the pendency of the present writ petition before this Hon'ble Court."

2. Learned counsel appearing on behalf of 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*, Mr. Rizwan Ahmad, 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 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.

November 2, 2026
HR

(Harvir Singh,J.) (Chandra Dhari Singh,J.)

Digitally signed by :-
HEMANT RANJAN
High Court of Judicature at Allahabad