2026:AHC:227360-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 26366 of 2026

Laxmina Devi And 5 Others

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Anurag Yadav, Chakrasudan Dubey, Sonam Upadhyay
Counsel for Respondent(s)	:	G.A.

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 14.09.2026 in Case Crime No.0218 of 2026, U/s 318(4), 352, 351 (3) of B.N.S., Police Station Belipar, District Gorakhpur. (Annexure No.1 with writ petition).

ii) Issue a writ, order or direction in the nature of Mandamus commanding directing the respondent No.2 not to arrest the petitioners in pursuance of First Information Report dated 14.09.2026 in Case Crime No.0218 of 2026, U/s 318(4), 352, 351 (3) of B.N.S., Police Station Belipar, District Gorakhpur."

2. Learned counsel appearing on behalf of 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 petitioners.

3. *Per contra*, Sri Vijay Rathi, 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, 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.

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

November 2, 2026
Mini

Digitally signed by :-
MINI KANAUJIYA
High Court of Judicature at Allahabad