2026:AHC:228706-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 26522 of 2026

Mufti Shabbir Ahmad Kasmi And 9 Others

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ved Prakash Shukla
Counsel for Respondent(s)	:	Avinash Pandey, 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 6.10.2026, registered against the petitioners as Case Crime No. 320 of 2026, under Sections 316 (2), 318 (4), 336 (3), 340 (2), 61 (2) and 3 (5) of BNS, Police Station Mirzapur, district Saharanpur.

ii) Issue a writ, order or direction in the nature of Mandamus commanding and directing the police not to arrest / harass the petitioners in *First Information Report dated 320 of 2026, registered against the petitioners as Case Crime No. 320 of 2026, under Sections 316 (2), 318 (4), 336 (3), 340 (2), 61 (2) and 3 (5) of BNS, Police Station Mirzapur, district Saharanpur,* during the pendency of the present writ petition before this Hon'ble Court."

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*, Mr. S. N. Tiwari, learned A.G.A.-I, appearing on behalf of the State as well as Mr. Avinash Pandey, learned counsel for opposite party no. 3

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.

November 2, 2026
HR

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

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