HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 26447 of 2026

Smt Santosh

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Sunil Kumar Tiwari, Vijay Kumar Mishra
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 to quash the first information report dated 15.10.2026 registered as Case Crime No. 155 of 2026, under Sections 305(a), 317(2) B.N.S, Police Station Kotwali, District Rampur.

(ii) issue a writ, order or direction in the nature of mandamus directing the respondent not to arrest the petitioner in pursuance of the first information report dated 15.10.2026 arising out of Case Crime No.155 of 2026, under Sections 305(a), 317(2) B.N.S, Police Station Kotwali, District Rampur."

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*, 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, 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 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.

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

November 2, 2026
Atul

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