2025:AHC-LKO:86224-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

CRIMINAL MISC. WRIT PETITION No. - 12039 of 2025

Ashish Tiwari

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Deptt. Home And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Arpit Singh
Counsel for Respondent(s)	:	G.A.

Court No. - 10

HON'BLE RAJNISH KUMAR, J.
HON'BLE MRS. BABITA RANI, J.

1. Heard Sri Nasrul Hasan, Advocate holding brief of Sri Arpit Singh, learned counsel for the petitioner and learned A.G.A. for the State.

2. In view of proposed order, notice to opposite party no.4 is hereby dispensed with.

3. This petition seeks issuance of direction in the nature of certiorari for quashing the impugned F.I.R. bearing FIR/Case Crime No.0435/2025, under Sections 351(2), 352 & 196(1) of BNS, Police Station Salon, District Raebareli.

4. Learned counsel for the petitioner has submitted that the offences as alleged in FIR have maximum punishment for the term less than seven years imprisonment, whereas, the police is trying to arrest him, which is against the mandates of Bhartiya Nagrik Suraksha Sanhita.

5. Learned A.G.A. appearing for respondents-State has given a statement on behalf of investigating agency that because the offence allegedly committed by the petitioner, entails sentence of less than seven years, provisions of Section 35(3) Bhartiya Nagrik Suraksha Sanhita, 2023 shall be strictly followed in terms of judgments rendered by Hon'ble Supreme Court in re; **Arnesh Kumar vs. State of Bihar and another, (2014) 8 SCC 273** and **Satender Kumar Antil vs. CBI and another, Special Leave to Appeal (Criminal) No. 5191 of 2021 : (2022) 10 SCC 51**.

6. Considering the stand of the investigating agency, learned counsel for the petitioner states that let this petition be disposed of in view of the above said facts.

7. Accordingly, this petition is **disposed of** in view of the provisions of Section 35(3) Bhartiya Nagrik Suraksha Sanhita, 2023 and the law as laid down by the Apex Court in re; **Arnesh Kumar (supra)** and **Satender Kumar Antil (supra)**.

8. However, It is directed that the petitioner shall appear before the Investigating Officer of the concerned police station on 09.01.2026 at 11:00 AM sharp for the purpose to cooperate in the investigation. Thereafter, he shall continue to cooperate in the investigation till its completion, failing which, protection of this order may be withdrawn on the application being moved by the prosecution or the complainant.

(Mrs. Babita Rani,J.) (Rajnish Kumar,J.)

December 19, 2025
Akanksha Sri/-

Digitally signed by :-
AKANKSHA SRIVASTAVA
High Court of Judicature at Allahabad,
Lucknow Bench