2026:AHC:212029-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 23140 of 2026

Vikas And 2 Others

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

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

Court No. - 48

HON'BLE CHANDRA DHARI SINGH, J.
HON'BLE TARUN SAXENA, J.

1. The present writ petition has been preferred with the prayer to quash the impugned First Information Report dated 12.09.2026 in Case Crime No.466 of 2026, under Sections 127 (2), 115 (2), 352, 351 (3), 125 of BNS and Section 3(1)(da), 3(1)(dha, 3(2)(va) of SC/ST Act, at Police Station Bahjoi, District Sambhal and for a direction to the respondents not to arrest the petitioners in pursuance of impugned First Information Report.

2. Learned counsel appearing on behalf of petitioners after some length of arguments on merits made an innocuous prayer that before arresting the petitioners police may be directed to follow the principle laid down by Hon'ble Apex Court in the case of **Arnesh Kumar Vs. State of Bihar reported in (2014) 8 SCC 273.**

3. Per contra, Mr. K.P. Pathak, learned A.G.A. appearing on behalf of 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. Taking into consideration the submissions and prayer made by learned counsel for the petitioners and no objection by learned A.G.A. on innocuous prayer made by learned counsel for the petitioners, we are inclined to allow the innocuous prayer made by learned counsel for the petitioners.

6. 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 provision of Section 35(3) of B.N.S.S.

(Tarun Saxena,J.) (Chandra Dhari Singh,J.)

October 9, 2026
C. MANI

Digitally signed by :-
CHANDRAMANI VERMA
High Court of Judicature at Allahabad