2026:AHC:212461-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 24012 of 2026

Himanshu Malhotra And 3 Others

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Pawan Kumar Rao
Counsel for Respondent(s)	:	G.A.

Court No. - 45

HON'BLE SALIL KUMAR RAI, J.
HON'BLE PADAM NARAIN MISHRA, J.

Heard the counsel for the petitioners and the A.G.A. for the State.

The present petition has been filed challenging the First Information Report dated 28.08.2026 registered as Case Crime No. 712 of 2026, under Sections 85, 115(2), 316(2), 351(2) B.N.S., 2023 and section 3/4 Dowry Prohibition Act, Police Station Indrapuram, District Ghaziabad.

We have perused the FIR, which *prima facie* discloses commission of offence and therefore, the prayer made to quash the FIR cannot be entertained in view of law laid down by Hon'ble Apex Court in the cases of ***State of Telangana Vs. Habib Abdullah Jellani*** reported in ***(2017) 2 SCC 779*** and ***Neeharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra and Others*** reported in ***(2021) SCC Online SC 315*** and as such, we are of the view that no interference is warranted.

However, considering the fact that all the offences, complained of in the impugned FIR, are punishable with a term up to seven years, therefore, in case of effecting the arrest of the petitioners in pursuance of the impugned FIR, it is directed that the respondents/ authorities shall ensure that the specific provisions contained in Section 41(1)(b) and Section 41-A of CrPC/Section 35(3) to 35(7) of Bhartiya Nagrika Suraksha Sanhita, 2023 and the guidelines issued by Hon'ble Apex Court in the case of ***Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC 273*** as well as the directions issued in judgement and order dated 28.01.2021 of this Court passed in Criminal Misc. Writ Petition No. 17732 of 2020 ***(Vimal Kumar and 3***

Others Vs. State of U.P. and 3 Others) reported in ***2021 (2) ACR 1147***, be strictly complied with.

With the aforesaid observations, the instant writ petition stands ***disposed of***.

(Padam Narain Mishra,J.) (Salil Kumar Rai,J.)

October 9, 2026
Nisha

Digitally signed by :-
nisha kumari
High Court of Judicature at Allahabad