



HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. WRIT PETITION No. - 3033 of 2026

Afzal And 7 Others

.....Petitioner(s)

Versus

State Of Uttar Pradesh And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Lok Nath Shukla, Raza Hasnain
Counsel for Respondent(s)	: G.A.

Court No. - 45

HON'BLE RAJIV GUPTA, J.
HON'BLE CHAWAN PRAKASH, J.

1. Heard learned counsel for the petitioners, learned AGA for the State and perused the record.
2. The instant writ petition has been filed by the petitioners with the prayer to quash the impugned FIR dated 23.12.2025, arising out of Case Crime No. 0133 of 2025, under Sections 191(2), 316(2), 115(2) and 351(2) of BNS, Police Station Milak Khanam, District Rampur.
3. Learned counsel for the petitioners has submitted that from the allegations made in the impugned FIR, no offence whatsoever is disclosed against the petitioners and as such, the impugned FIR is liable to be quashed.
4. Learned counsel for the petitioners has further submitted that on the careful perusal of the impugned FIR, it is evident that all the sections, under which, the impugned FIR has been registered, are punishable with the term up to 7 years, therefore, in case of effecting the arrest of the petitioners in pursuance of the impugned FIR, respondent/ authorities shall ensure that the specific provisions contained in Section 35 of BNSS and the guidelines issued by the Hon'ble Apex Court in the case of ***Arnesh Kumar Vs. State of Bihar reported in (2014) 8 SCC 273*** and further directions issued by the Hon'ble Apex Court in the case of ***Satender Kumar Antil Vs. Central Bureau of Investigating and Another vide orders dated 21.01.2025 and 15.01.2026*** be strictly complied with.
5. In view of the submissions made by learned counsel for the petitioners, matter requires consideration.
6. Issue notice to respondent no. 4 returnable within four weeks. Steps be taken within a week.

7. Learned AGA may also file counter affidavit within the same period.

8. List this case on 15.04.2026.

9. In the meantime, since all the offences, on the basis of which, the impugned FIR has been registered are punishable with the term up to 7 years, therefore, in case of effecting the arrest of the petitioners in pursuance of the impugned FIR, respondent/ authorities shall ensure that the specific provisions contained in Section 35 of BNSS and the guidelines issued by the Hon'ble Apex Court in the case of ***Arnesh Kumar Vs. State of Bihar reported in (2014) 8 SCC 273*** and further directions issued by the Hon'ble Apex Court in the case of ***Satender Kumar Antil Vs. Central Bureau of Investigating and Another vide orders dated 21.01.2025 and 15.01.2026*** be strictly complied with.

February 11, 2026
Rmk.

(Chawan Prakash,J.) (Rajiv Gupta,J.)