



HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. WRIT PETITION No. - 6149 of 2026

Tinku

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Surya Bhan Yadav
Counsel for Respondent(s)	: Rishi Kesh Malviya, G.A.

Court No. - 48

HON'BLE RAJIV GUPTA, J.
HON'BLE DR. AJAY KUMAR-II, J.

1. Sri Rishi Kesh Malviya, Advocate has filed vakalatnama on behalf of respondent no.4. The same be kept on record.
2. Heard learned counsel for the petitioner, Sri Rishi Kesh Malviya, learned counsel for the respondent no.4, learned AGA for the State and perused the record.
3. Learned counsel for the petitioner is permitted to implead the injured as respondent nos.5 and 6 in the array of parties during the course of the day.
4. The instant writ petition has been filed by the petitioners with the prayer to quash the impugned FIR dated 25.02.2026 registered as Case Crime No.37 of 2026, under Sections 115(2), 118(1), 352 of B.N.S., Police Station Bahadurgarh, District Hapur.
5. 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.
6. 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, respondents / 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.

7. In view of the submissions made by learned counsel for the petitioners, matter requires consideration.

8. Issue notice to newly impleaded respondent nos.5 and 6 returnable within four weeks. Steps be taken within a week.

9. Learned counsel for the respondent no.4 prays for and is granted three weeks' time to file counter affidavit.

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

11. List this case on 22.05.2026.

12. 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, respondents / 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.

March 23, 2026

SS

(Dr. Ajay Kumar-II,J.) (Rajiv Gupta,J.)