



HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. WRIT PETITION No. - 6228 of 2026

Kushal Kumar Gupta

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s) : Gyanendra Kumar Singh
Counsel for Respondent(s) : G.A., Hemendra Pratap Singh

Court No. - 48

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

1. Shri Tarun Kumar Chauhan, Advocate has made a statement at the Bar that Shri Himendra Pratap Singh, Advocate has filed his vakalatnama on behalf of respondent no. 4 in the Registry on 23.03.2026, however, the same is not on record.
2. Registry is directed to trace out the same and place it on record by the next date fixed.
3. Heard learned counsel for the petitioner, learned AGA for the State, Shri Tarun Kumar Chauhan, Advocate holding brief of Shri Himendra Pratap Singh, learned counsel for the respondent no. 4 and perused the record.
4. The instant writ petition has been filed by the petitioner with the prayer to quash the impugned FIR dated 19.02.2026, arising out of Case Crime No. 0016 of 2026, under Sections 316(2), 351(2) of B.N.S., Police Station Kotwali, District Agra.
5. Learned counsel for the petitioner has submitted that from the allegations made in the impugned FIR, no offence whatsoever is disclosed against the petitioner and as such, the impugned FIR is liable to be quashed.
6. Learned counsel for the petitioner 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 petitioner 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.

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

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

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

10. List this case on 25.05.2026.

11. 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 petitioner 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.

March 24, 2026

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