

Amit Kumar Dubey vs State Of U.P. And 2 Others on 3 March, 2025

Author: Vivek Kumar Birla

Bench: Vivek Kumar Birla

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:29488-DB

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 3516 of 2025

Petitioner :- Amit Kumar Dubey

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Sakshi Jaiswal,Vimal Kumar Pandey

Counsel for Respondent :- G.A.

Hon'ble Vivek Kumar Birla,J.

Hon'ble Mohd. Azhar Husain Idrisi,J.

1. Heard Sri Rinku Singh, Advocate holding brief of Sri Vimal Kumar Pandey, learned counsel for the petitioner, learned A.G.A. for the State respondents.

2. The present writ petition has been preferred with the prayer to quash the impugned First Information Report dated 21.12.2024 giving rise to Case Crime No. 0439 of 2024, under Sections 319(2), 318(4), 316(4), 352, 351(3) of B.N.S., 2023, Police Station- Belipar, District- Gorakhpur and for a direction to the respondents not to arrest the petitioner in pursuance of impugned First

Information Report.

3. Although the prayer for quashing of FIR has been made, but without insisting on the same, only submission is that all alleged offences are punishable with imprisonment upto seven years, therefore the police authorities are bound to follow the procedure laid down under Section 35 B.N.S.S. The petitioner has been wrongly implicated and could not be arrested. Reliance has been placed on the judgement of Apex Court in Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC 273 and Social Action Forum for Manav Adhikar Vs. Union of India, Ministry of Law and Justice and others in Writ Petition (Civil) No. 73 of 2015 with Criminal Appeal No. 1265 of 2017 Writ Petition (Criminal) No. 156 of 2017 and in Satendra Kumar Antil vs. Central Bureau of Investigation and Another (2022) 10 SCC 51 and co-ordinate Division Bench of this Court in Vimal Kumar & 3 others Vs. State of U.P. & 3 others in 2021 (2) ACR 1147.

4. We have gone through the impugned first information report and without interfering in the same, we are of the opinion that the guidelines framed by the Apex Court in the above noted judgement are equally applicable to the facts of the instant case.

5. Accordingly, the instant petition also stands disposed of in terms of the judgements as noted above.

Order Date :- 3.3.2025 Israr