

# **Sobhit Singh vs State Of U.P. Thru. Prin. Secy. Home Lko. ... on 20 February, 2025**

**Author: Vivek Chaudhary**

**Bench: Vivek Chaudhary**

HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH

?Neutral Citation No. - 2025:AHC-LK0:11154-DB

Court No. - 10

Case :- CRIMINAL MISC. WRIT PETITION No. - 1520 of 2025

Petitioner :- Sobhit Singh

Respondent :- State Of U.P. Thru. Prin. Secy. Home Lko. And 3 Others

Counsel for Petitioner :- Avinash Pratap Singh,Piyush Singh

Counsel for Respondent :- G.A.,Sajjad Husain

Hon'ble Vivek Chaudhary,J.

Hon'ble Syed Qamar Hasan Rizvi,J.

1. Preliminary Objection filed by Shri Sajjad Husain, Advocate is taken on record.

2. Heard learned counsel for the petitioner, Shri Sajjad Husain, learned counsel appearing for opposite party no.4 as well as learned A.G.A. appearing for the State/opposite parties and perused the record.

2. This petition seeks issuance of direction in the nature of certiorari for quashing the impugned First Information Report dated 11.12.2024 lodged the FIR No. 321/2024, under Sections 352, 351(2), BNS, 3(1) R, 3(1)S, SC/ST Act, police Station Kakori, District Lucknow.
3. Learned counsel for the petitioner has submitted that the offences as alleged in FIR have maximum punishment for the term less than seven years imprisonment, whereas, the police is trying to arrest him, which is against the mandates of Bhartiya Nyaya Sanhita, 2023.
4. Learned Additional Government Advocate appearing for respondent State has given a statement on behalf of investigating agency that because the offence allegedly committed by the petitioner, entails sentence of less than seven years, provisions of Section 35(3) of Bhartiya Nyaya Sanhita, 2023 shall be strictly followed in terms of judgment rendered by Hon'ble Supreme Court of India in a case reported in (2014) 8 SCC 273: Arnesh Kumar vs. State of Bihar and another.
5. Shri Sajjad Husain, learned counsel for the opposite party no.4 has vehemently opposed the prayer made by learned counsel for the petitioner and submits that the petitioner has not come before this Court in clean hand.
6. Considering the stand of the investigating agency, learned counsel for the petitioners states that let this petition be disposed of in view of the above said facts.
7. Accordingly, this petition is disposed of in view of the provisions of Section 35(3) of Bhartiya Nyaya Sanhita, 2023 and the law as laid down by Apex Court in the case of Arnesh Kumar (supra).

(Syed Qamar Hasan Rizvi, J.) (Vivek Chaudhary, J.) Order Date :- 20.2.2025 Muk