

Court No. - 43

Case :- CRIMINAL MISC. WRIT PETITION No. - 16261 of 2025

Petitioner :- Prince Rawat

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Baijant Kumar Mishra, Mayank Tiwari, Shiv Shankar Tiwari

Counsel for Respondent :- Devesh Mishra, G.A., Jainendra Pandey

Hon'ble Siddhartha Varma, J.

Hon'ble Abdul Shahid, J.

1. Learned counsel for the petitioner is permitted to correct the prayer clause during the course of the day.
2. Heard learned counsel for the petitioner, Sri Jainendra Pandey, learned counsel for the first-informant and the learned AGA for the State.
3. Although prayer made in this writ petition is to quash the First Information Report registered on 10.5.2025 as Case Crime No.184 of 2025, under Sections 352, 351(2) of the Bharatiya Nyaya Sanhita, 2023 and Section 66 of Information Technology (Amendment) Act, 2008, Police Station -Phoolpur, District - Prayagraj, but at the time when the matter is taken up learned counsel for the petitioner confines his relief to grant of protection under section Section 35 of the Bharatiya Nagarik Suraksha Sanhita, 2023.
4. We have perused the the First Information Report which prima facie discloses cognizable offence and, therefore, the prayer made to quash F.I.R. otherwise cannot be entertained in view of the law laid down by the Supreme Court in the case of **State of Telangana**

Vs. Habib Abdullah Jellani, (2017) 2 SCC 779 and Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra and Others, (2021) SCC Online SC 315.

5. We are of the view that no interference is warranted.

6. However, considering the fact that all offences, mentioned in the present case, are punishable with a term up to 7 years, therefore, authorities are directed to ensure the procedure of arrest as per the guidelines of Supreme Court enshrined in the case of **Arnesh Kumar vs. State of Bihar** reported in **(2014) 8 SCC 273**.

7. It is expected of the police not to harass the petitioner till the conclusion of the investigation in any manner whatsoever. However, the petitioner shall co-operate in the investigation.

8. The writ petition is, accordingly, disposed of.

Order Date :- 12.8.2025
LN Tripathi