



2026:AHC:162394-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 15227 of 2026

Om Tiwari @ Umang Tiwari

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Peeyush Kumar Pathak, Prateeyush Kumar Pathak, Shantanu Pandey
Counsel for Respondent(s)	: G.A.

Court No. - 49

HON'BLE AJAY BHANOT, J.

HON'BLE DIVESH CHANDRA SAMANT, J.

Petitioner has assailed the notices dated 26.02.2026 and 07.06.2026 passed under Section 94 of the BNSS. The petitioner claims that he has submitted a reply to the said notices.

There is no jurisdictional infirmity in the aforesaid notices. The aforesaid notices have been taken out by the police authorities in light of the directions issued by this Court vide order dated 18.09.2025 passed in Criminal Misc. Writ Petition No. 20036 of 2025, which are reproduced hereinunder:-

"1. In compliance of the earlier order of this Court 10.9.2025, the Investigating Officer Mr.Anil Kumar Verma, SHO, Police Station Cyber Crime, Commissionerate Prayagraj is present before this Court and it has been informed by him that the case was now being investigated into vis-a-vis Sections 66, 66E, 67 and 74 of Information Technology (Amendment) Act, 2008 and the investigating agency, i.e., the police was no longer investigating the case under Sections 351(4), 76, 87, 108 of BNS.

2. The personal presence of Mr.Verma, Investigating Officer is exempted. He need not appear in the case any further.

3. Heard learned counsel for the petitioner and the learned AGA for the State.

4. Although prayer made in this writ petition is to quash the First Information Report registered on 11.7.2025 as Case Crime No. 26 of 2025, under Sections 351(4), 76, 87, 108 of the Bharatiya Nyaya Sanhita, 2023 and Section 66, 66E, 67, 74 Information Technology (Amendment) Act, 2008, Police Station - Cyber Crime, 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 35 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

5. 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.**

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

7. 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.**

8. 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.

9. The writ petition is, accordingly, disposed of."

Learned AGA on the basis of instructions submits that the F.I.R. discloses prima facie commission of offence against the petitioner. On the basis of instructions, the learned AGA states that the petitioner is not cooperating in the police investigations. Uploading indecent photographs of a woman on the social media

is a grave menace to the society. The investigation is on foot.

The police authorities are liable to proceed in accordance with law.

The writ petition is dismissed.

(Divesh Chandra Samant,J.) (Ajay Bhanot,J.)

August 4, 2026
Karan