



2026:AHC-LKO:40392-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. WRIT PETITION No. - 5516 of 2026

Mohammad Arif

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Deptt. Lko.
And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Mahendra Pal Chauhan
Counsel for Respondent(s)	:	G.A.

Court No. - 9

**HON'BLE RAJESH SINGH CHAUHAN, J.
HON'BLE DIVESH CHANDRA SAMANT, J.**

1. Heard learned counsel for the petitioner, learned A.G.A. for the State-opposite parties no.1 to 3 and perused the record.
2. This writ petition has been filed with the prayer to direct the opposite parties to decide the applications of the petitioner dated 26.05.2026/02.06.2026 by lodging the FIR against the persons named in the aforesaid application.
3. Learned counsel for the petitioner has submitted that petitioner had attempted to lodge the first information report, but no heed was paid and the F.I.R. was not lodged.
4. The Supreme Court in the case of **Lalita Kumari Vs. Government of Uttar Pradesh and others, (2014) 2 SCC 1**, has observed that a Police Officer cannot avoid his duty for registering an offence if in the application cognizable offence discloses and in case they avoid such responsibility, an action to be taken against the erring Officer under Section 161-A of Cr.P.C. or Departmental Proceedings be initiated and such proceedings can be taken against erring Officer in not registering the FIR.
5. Learned A.G.A. has also pointed out that the judgment rendered by the Division Bench of this Court in the case of **Waseem Haider Vs. State of U.P. and others, (2021) 2 ADJ 86: 2020 SCC OnLine ALL 1866**, to say

that after considering the law laid down by the Supreme Court in **Lalita Kumari** (supra), whereby this Court expressed its opinion that the informant has statutory remedy under Section 156(3) Cr.P.C. or under Section 200 of Cr.P.C. Paragraph-45 of the said judgment is being quoted hereinbelow:-

"45. Before parting, the conclusion arrived at based on the above discussion and analysis is delineated below for ready reference and convenience :-

(1) Writ of mandamus to compel the police to perform its statutory duty under Section 154 Cr.P.C can be denied to the informant/victim for non-availing of alternative remedy under Sections 154(3), 156(3), 190 and 200 Cr.P.C., unless the four exceptions enumerated in decision of Apex Court in the the case of Whirlpool Corporation Vs. Registrar of Trade Marks, Mumbai and Ors., (1998) 8 SCC 1, come to rescue of the informant/victim.

(2) The verdict of Apex Court in the case of Lalita Kumari Vs. Government of U.P. & Ors. reported in (2014) 2 SCC 1 does not pertain to issue of entitlement to writ of mandamus for compelling the police to perform statutory duty under Section 154 Cr.P.C without availing alternative remedy under Section 154(3), 156(3), 190 and 200 Cr.P.C.

(3) The informant/victim after furnishing first information regarding cognizable offence does not become functus officio for seeking writ of mandamus for compelling the police authorities to perform their statutory duty under Section 154 Cr.P.C in case the FIR is not lodged.

(4) The proposed accused against whom the first information of commission of cognizable offence is made, is not a necessary party to be impleaded in a petition under Article 226 of the Constitution of India seeking issuance of writ of mandamus to compel the police to perform their statutory duty under Section 154 Cr.P.C."

6. This Court is of the opinion that if the petitioner is aggrieved by non-lodging of the FIR, it has appropriate remedy of filing a complaint under Section 156(3) Cr.P.C. (now Section 175 of B.N.S.S., 2023) or under Section 200 Cr.P.C (now Section 223 of B.N.S.S., 2023).

7. This writ petition stands **disposed of**.

June 5, 2026
Karan

(Divesh Chandra Samant,J.) (Rajesh Singh Chauhan,J.)