



2026:AHC:169568-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 7555 of 2026

Akhilesh Kumar And Another

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s) : Aditya Ojha, Brijesh Tiwari

Counsel for Respondent(s) : Baikunth Nath Singh, G.A., Manish Kumar Singh

Court No. - 48

HON'BLE CHANDRA DHARI SINGH, J.

HON'BLE TARUN SAXENA, J.

1. Compliance affidavit placed before this Court by learned AGA during the course of argument, which is taken on record.

2. The instant writ petition has been filed with the following main prayer:

"I). Issue a writ, order or direction in the nature of certiorari quashing the impugned First Information Report dated 09.02.2026 (Annexure No.1), registered as case crime no. 24 of 2026, under Sections 420, 504, 506 IPC, Police Station Jajmau, District Kanpur Nagar.

II). Issue a writ, order or direction in the nature of mandamus directing the respondent nos. 1, 2 and 3 not to arrest the petitioners in pursuance to the lodged first information report dated 09.02.2026 (Annexure No.1), registered as crime no. 24 of 2026, under Sections 420, 504, 506 IPC, Police Station Jajmau, District Kanpur Nagar."

3. During the course of hearing, learned AGA submitted that the Investigating Agency had collected sufficient material during the investigation, and subsequently added Sections 467, 468 and 471 of IPC. Learned AGA further submitted that on earlier occasion, the co-ordinate bench of this Court vide order dated 22.04.2026 had issued directions in the light of the law laid by the Apex Court in the case of **Arnesh Kumar Vs. State of Bihar reported in (2014) 8 SCC 273** for the offences mentioned in the FIR i.e. Sections 420, 504, 506 IPC, for which the

punishment is below seven years. Learned AGA further submits that subsequently, in the added Sections 467, 468 and 471 of IPC, the petitioner no.1 was arrested by the police and after arrest, petitioner no.1 has applied for bail before the Additional Sessions Judge, Court No.8 Kanpur Nagar, and the same was rejected vide order dated 22.07.2026.

4. In rebuttal, learned counsel for the petitioners submits that the petitioner no.1 has moved Criminal Misc. Bail Application No. 26861 of 2026 (Akhilesh Kumar Vs. State of U.P.) before this Hon'ble Court and the same is pending for consideration before the appropriate Bench.

5. Learned counsel for the petitioners further submitted that the petitioners are innocent and have not committed any offence as alleged in the impugned FIR. It is also submitted that from a plain reading of the FIR, no offence as alleged is made out against the petitioners and thus, the impugned FIR is liable to be quashed.

6. Learned AGA appearing on behalf of the State-respondents opposed the writ petition and in support of his arguments, relied on paragraph nos. 6, 7, 8,9 and 10 of the compliance affidavit and other material which have been appended with the compliance affidavit. Learned AGA vehemently submitted that from the material available on record, commission of a cognizable offence is made out against the petitioners, and therefore, the FIR cannot be quashed in writ jurisdiction under Article 226 of the Constitution of India. The writ petition being devoid of merit deserves to be dismissed.

7. We have heard Shri Brijesh Tiwari, learned counsel for the petitioner, Shri S.K. Ojha, learned AGA-I for the State-respondents, perused the FIR, averments contained in the writ petition and the compliance affidavit filed by learned AGA during the course of argument.

8. We have perused the contents of the FIR, which are as under :

"नकल तहरीर.... सेवा में, श्रीमान पुलिस उपायुक्त पूर्वी महोदय कानपुर नगर । महोदय, निवेदन है कि प्रार्थी बसन्त कुमार दीक्षित पुत्र स्व० श्री धर दीक्षित निवासी मकान नं०-174-ए मानस विहार, थाना जाजमऊ कानपुर नगर मो०नं० 9935713588 प्रार्थी साईकिल का पंचर बनाकर अपना जीवन यापन करता है। प्रार्थी बसन्त कुमार दीक्षित की दुकान पर पूर्व से परिचित

अखिलेश कुमार पुत्र बाबूलाल निवासी-499-सी-ए ताडबगिया तिवारीपुर, साहू परचून, वाली गली के पास थाना जाजमऊ मो0नं0-9935319748 मोटर साईकिल का पंचर बनवाने 2015 में आया था और बताया कि आसरा योजना कालोनी व कांशीराम कालोनी सनिगवां के पास सरकार की योजना आई है आपको लोगों को यदि चाहिये तो मैं कालोनी दिला सकता हूँ। इस तरह प्रार्थी को कालोनी दिलाने का पूर्ण विश्वास देकर व अपने को पूर्व परिचित व पडोसी बताकर फर्जी षडयंत्र रचकर प्रार्थी से चेक सं0-758152 दिनांक 06/05/2015 रूपया 70,000/- तथा चेक सं0-758153 दिनांक-29/05/2015 रूपया 30,000/- भारतीय स्टेट बैंक हरजेन्दर नगर, लालबंगला प्रार्थी बसन्त कुमार दीक्षित के खाता सं0- 10318067869 से व चेक सं0-000007 दिनांक 30/05/2015 रूपया 40,000/-चेक सं0-000009 दिनांक 27/07/2015 रूपया 30,000/- व चेक सं0-000010 दिनांक 28/07/2015 रूपया 30,000/- प्रार्थी बसन्त कुमार दीक्षित के खाता सं0-697610110000083 बैंक आफ इण्डिया डिफेन्स कालोनी जाजमऊ, मे चेक लगाकर अपने खाते में कैश करा लिया। प्रार्थी बसन्त कुमार दीक्षित से कुल 02 लाख रूपया ले लिया तथा मेरे अतिरिक्त मेरे पडोसी संजय पाण्डेय पुत्र स्व० बीसी पाण्डेय एवं अन्य लोगों से भी प्लाट/कालोनी दिलाने के नाम पर 1-1 लाख रूपया ले लिया गया और बाद में आजकल आजकल कालोनी का फार्म भरवाने के लिये कहता रहा। फिर वाद में मुझ प्रार्थी को यह विश्वास हुआ कि अखिलेश व उसके पुत्र राजकुमार द्वारा मेरे साथ धोखा धड़ी की गयी है। लगभग 4 वर्ष के बाद सन 2020 में संदेह होने पर प्रार्थी ने अपना पैसा वापस करने की मांग करने लगे तो आज कल में वापस करने को कहकर टहला देता। जब प्रार्थी बसन्त कुमार दीक्षित ने कहा कि पैसा वापस करो नहीं तो रिपोर्ट करेंगे तो अखिलेश कुमार गाली देते हुये जान से मारने के लिये धमकाने लगा और अपना मोबाइल नम्बर बन्द कर दिया। यदा कदा घण्टी जाने पर अखिलेश कुमार अशब्द कहता था। जब पैसे वापस करने हेतु ज्यादा दबाव बनाया गया तो अखिलेश व उसके पुत्र राजकुमार द्वारा एक लिखित समझौता स्टाम्प पेपर पर दिनांक 24-05.2023 में लिखकर दिया गया कि हर माह की 10 तारीख से 25 तारीख के बीच में आपको पैसा 10-10 हजार करके वापस कर दूंगा इसके वावजूद भी इसके द्वारा अपनी बात का पालन नहीं किया गया और फिर धमकी देना चालू कर दिया। प्रार्थी बसन्त कुमार दीक्षित पंचर बनाकर दुकान चलाकर अपना परिवार चलाता है व काफी परेशान है। अतः महोदय से निवेदन है कि प्रार्थी के प्रार्थना पत्र को संज्ञान में लेकर प्रार्थी बसन्त कुमार का पैसा वापस दिलाने एवं प्रार्थी के साथ की गयी धोखाधड़ी के सम्बन्ध में उक्त लोगों के विरुद्ध मुकदमा लिखकर कानूनी कार्यवाही करने की कृपा करें। प्रार्थी अपने एकाउण्ट की पासबुक व पैसा निकालने की दिनांक सहित छायाप्रति संलग्न कर रहा है। श्रीमान जी की महान दया होगी। प्रार्थी बसन्त कुमार दीक्षित पुत्र स्व० श्रीधर दीक्षित निवासी 174ए मानस विहार जेके कालोनी थाना जाजमऊ कानपुर नगर । मो0-99357135881 नोट -प्रमाणित किया जाता है कि प्रार्थना पत्र की नकल व कायमी मुझ हे0का0 405 धर्मवीर सिंह द्वारा कम्प्यूटर पर शब्द-शब्द बोल कर का0 5286 सूरज कुमार से टाईप करवाकर ऑनलाइन किता करायी गयी।"

9. We have also perused the contents of para 4 and 5 of the compliance affidavit, which are reproduced below :

"4. That it is respectfully informed that on the basis of written complaint of informant, Shri Basant Kumar Dixit, FIR being Case Crime No. 24/2026, under Sections 420, 504, 506 IPC was registered against Akhilesh Kumar and Rajkumar and the investigation of the said case was conducted by Sub Inspector Shri Shashank Verma Dhana Jajmau Kanpur Nagar, who has prepared CD No. 01 to CD No. 05. Due to Sub Inspector Shashank Verma going on long earned leave, the investigation was allotted to Sub Inspector Shri Pradeep Pandey on 16.04.2026 as per the orders of the Station House Officer, Jajmau. He is currently handling the investigation.

5. That in the investigation of the above case, statements from the informant, his family members, and other independent/related witnesses have been recorded. The scene of the incident has been inspected. The bank account statements provided by the informant have been examined. The alleged forged documents provided by the accused have been examined, and a verification report regarding their authenticity has been obtained from the relevant SUDA office in Lucknow and reviewed."

10. The Supreme Court in the case of **Somjeet Mallick vs. State of Jharkhand and Others :2024 INSC 772** has held as under:

"18. It is trite law that FIR is not an encyclopedia of all imputations. Therefore, to test whether an FIR discloses commission of a cognizable offence what is to be looked at is not any omission in the accusations but the gravamen of the accusations contained therein to find out whether, prima facie, some cognizable offence has been committed or not. At this stage, the Court is not required to ascertain as to which specific offence has been committed. It is only after investigation, at the time of framing charge, when materials collected during investigation are before the Court, the Court has to draw an opinion as to for commission of which offence the accused should be tried. Prior to that, if satisfied, the Court may even discharge the accused. Thus, when the FIR alleges a dishonest conduct on the part of the accused which, if supported by materials, would disclose commission of a cognizable offence, investigation should

not be thwarted by quashing the FIR."

11. The aforesaid grounds as raised by the learned counsel for the petitioners are patently fallacious and misconceived. The Supreme Court in the case of **Muskan vs. Ishaan Khan (Sataniya) and others; 2025 INSC 1287**, has held that the Courts are not expected to hold a mini trial in order to verify the allegations which have been levelled in the FIR.

12. For the sake of convenience, relevant observations of the Supreme Court in the case of **Muskan (Supra)** is reproduced below:-

"We are of the view that the High Court has erred in law by embarking upon an enquiry with regard to credibility or otherwise of the allegations in the complaints and the FIR. Normally, for quashing an FIR, it must be shown that there exists no prime facie case against the accused persons. In the present case, from the conjoint reading of the complaints and the FIR, it can be seen that prime facie allegations of harassment and demand of dowry are made out, despite that the High Court quashed the FIR against the private respondents primarily on the ground that the earlier two complaints that were filed by the appellant did not mention the specific instances that happened on 22.07.2021 and 27.11.2022 and the same were later on mentioned in the FIR only as an afterthought and was a counterblast to the legal notice sent by respondent no.1/husband to the appellant as she was not coming back to her matrimonial home. This approach adopted by the High Court, in our considered opinion, amounts to conducting a mini trial."

13. After plain reading of the First Information Report and considering the submissions advanced by the learned counsel for the parties, this Court is of the *prima facie* view that the allegations disclosed therein constitutes cognizable offences requiring investigation. At this stage, this Court cannot embark upon an enquiry into the correctness or otherwise of the allegations contained in the F.I.R. nor can it appreciate the defence sought to be raised by the petitioners. It is well settled by the Supreme Court in the case of **State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335**, that the extraordinary jurisdiction under Article 226 of the Constitution of India or the inherent jurisdiction for quashing criminal

proceedings, is to be exercised sparingly and with circumspection, and only in the rarest of rare cases, where the allegations, even if taken at their face value, do not disclose the commission of any cognizable offence or where the case falls within any of the exceptional categories enumerated therein.

14. Taking into consideration the allegations contained in the impugned F.I.R., the submissions advanced by learned counsel for the parties, and the settled legal principles governing the exercise of writ jurisdiction in matters relating to quashing of criminal proceedings, as well as considering the judgments of the Supreme Court in the cases of **Somjeet Mallick (Supra)**, **Muskan (Supra)** and **Bhajan Lal (Supra)**, we are of the considered opinion that no case for interference under Article 226 of the Constitution of India is made out. The First Information Report *prima facie discloses* commission of cognizable offences. This Court does not find any exceptional circumstance warranting exercise of its extraordinary writ jurisdiction for quashing of the impugned F.I.R. or issuing a direction in the nature of mandamus, as prayed.

15. Consequently, the writ petition, being devoid of merit, is hereby **dismissed**.

(Tarun Saxena,J.) (Chandra Dhari Singh,J.)

August 12, 2026

Prajapati RK