



2026:AHC-LKO:40181-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. WRIT PETITION No. - 5317 of 2026

Ravi Shankar Gupta

.....Petitioner(s)

Versus

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

.....Respondent(s)

Counsel for Petitioner(s)	:	Arvind Kumar Shukla
Counsel for Respondent(s)	:	G.A.

Court No. - 10

**HON'BLE ABDUL MOIN, J.
HON'BLE MRS. BABITA RANI, J.**

1. Heard learned counsel for the petitioner and learned A.G.A. for the State-opposite parties.
2. By means of the present petition, the petitioner has prayed for a writ of mandamus commanding the respondents authorities to lodge the first information report on the application of the petitioner.
3. Learned counsel for the petitioner submits that although the prayer made in the petition is very ambiguous yet his intention is for a direction to be issued to the authorities to lodge an FIR with regard to the certain acts, which have been done by the private respondent(s), as the petitioner had attempted to lodge the first information report, but no heed was paid and the F.I.R. was not lodged. The petitioner also moved several complaints and applications before the competent authorities, but till date FIR has not been 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, he has appropriate remedy of filing a complaint under Section 156(3) Cr.P.C. (now Section 173(4) of B.N.S.S., 2023) or under Section 200 Cr.P.C (now Section 223 of B.N.S.S., 2023).

7 . Considering the aforesaid, the writ petition stands disposed of.

(Mrs. Babita Rani,J.) (Abdul Moin,J.)

June 4, 2026

Raj