



2026:AHC:166070-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 19356 of 2026

Parveen Qureshi

.....Petitioner(s)

Versus

State Of U.P. And 8 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Syed Safdar Ali Kazmi, Shadab Ali
Counsel for Respondent(s)	:	G.A.

Court No. - 49

HON'BLE AJAY BHANOT, J.

HON'BLE DIVESH CHANDRA SAMANT, J.

This writ petition is being taken out of turn on a mention being made by Shri Safdar Ali Kazmi, learned counsel for the petitioner. The order itself will speak to the urgency and why the Court is hearing the matter on priority.

This writ petition has been filed by Mrs. Parveen Qureshi wife of Shri Sadik Ali Qureshi, resident of 211A/10K/786, Kasari Masari, G.T.B. Nagar, P.S. Kareli, District Allahabad/Prayagraj asserting that she is real paternal aunt - Bua of Mohd. Umar and Ali Ahmad, sons of late Atik Ahmad. Mohd. Umar and Ali Ahmad are currently lodged in District Jail, Lucknow and District Jail, Jhansi respectively.

The petitioner has asserted that Aban Ahmad, another son of late Atik Ahmad passed away in an unfortunate accident on 06.08.2026 at about 10:00 AM. The relevant entries pertaining to the death of Aban Ahmad in the unfortunate accident have been made in the General Diary Entry No. 31 on 06.08.2026 at 14:11 Hours at Police Station-Punch, District-Jhansi.

The following prayers have made in the writ petition:-

"a) Issue a writ, order of direction in the nature of Mandamus directing the respondent authorities to bring Mohd. Umar from District jail, Lucknow under

temporary custody parole accompanied by police escort for limited purpose of attending the burial and for performing the religious rites of his deceased brother Aban Ahmad;

b) Issue a writ, order or direction in the nature of Mandamus directing respondent authorities to bring Ali Ahmad from District Jail, Jhansi under temporary custody parole accompanied by police escort for limited purpose of attending the burial and for performing the religious rites of his deceased brother Aban Ahmad;"

The responsibility and custody of Ehzam Ahmad and Aban Ahmad (sons of late Atik Ahmad) was made over to Parveen Qureshi/petitioner by the C.W.C., Prayagraj. Parveen Qureshi/petitioner had filed an affidavit taking full responsibility for the safety and education of both the minor boys before the C.W.C. The aforesaid affidavit was referenced by the Supreme Court in SLP No. 10279 of 2023, Shahin Ahmad Vs. State of Uttar Pradesh and Ors. by order dated 10.10.2023.

The prayers in this writ petition have been made on behalf of Mohd. Umar and Ali Ahmad, sons of late Atik Ahmad who are currently facing trial and are lodged in District Jail, Lucknow and District Jail, Jhansi respectively. Accordingly, this Court had directed both Mohd. Umar and Ali Ahmad, sons of late Atik Ahmad to appear through video conferencing to ascertain their wishes for being present at the last rites of their deceased brother Aban Ahmad.

Mohd. Umar, son of late Atik Ahmad had appeared through video conferencing from District Jail, Lucknow. He has asserted before this Court through video conferencing that petitioner Parveen Qureshi is his Aunt. Further, Mohd. Umar has stated that he is desirous of attending the last rites of his brother Aban Ahmad (since deceased) subject to the conditions being put by

this Court.

Similarly, Ali Ahmad, son of late Atik Ahmad who is facing trial in various cases and is currently lodged in District Jail, Jhansi has also appeared before this Court through video conferencing. Ali Ahmad has also confirmed that the petitioner Parveen Qureshi is his Aunt. Ali Ahmad has also expressed his desire of attending the last rites of his brother Aban Ahmad (since deceased), subject to conditions being put by this Court.

On the basis of instructions received, Shri Safdar Ali Kazmi, learned counsel for the petitioner submits that the last rites of Aban Ahmad shall be performed on 08.08.2026 at about 08:00 P.M. at Kasari Masari Graveyard, Prayagraj.

The following undertaking have been given on behalf of Mohd. Umar and Ali Ahmad in the writ petition :-

"(i) That the petitioner undertakes that Mohd. Umar and Ali Ahmad shall remain in judicial custody throughout the period of custody parole and shall remain under continuous supervision and escort of the police authority and would not make unnecessary communication other than which is strictly required for the rites and rituals.

(ii) That the petitioner will ensure that Mohd. Umar and Ali Ahmad shall not address any public gathering, speak to the media, participate in any procession, attend any event other than the burial and related religious rites.

(iii) That the petitioner undertakes that Mohd. Umar and Ali Ahmad immediately upon completion of the burial and associated religious ceremony shall return to concerned District Jail under police escort."

Mohd. Umar and Ali Ahmad were alerted to the aforesaid

undertaking given on their behalf in the writ petition. During the video conferencing, Mohd. Umar and Ali Ahmad have given an undertaking before this court that they will adhere to the aforesaid assertions made in the writ petition.

On video conferencing, a request was made by both Mohd. Umar and Ali Ahmad to meet their sibling Ehzam Ahmad son of late Atik Ahmad and their Aunt/petitioner Parveen Qureshi.

Shri Patanjali Mishra, learned Government Advocate and Shri Pankaj Saxena, learned AGA-I has appeared on behalf of the State and submit that the State does not have any principled objection to the prayers made by the petitioner.

On behalf of the State it is submitted that both Mohd. Umar and Ali Ahmad should strictly abide by the terms of the parole and under no condition they should breach the same. It is also submitted on behalf of the State that Mohd. Umar and Ali Ahmad should cooperate with the State Authorities and shall also abide by their directions during the parole. The directions shall be in the interest of their own security.

Due to paucity of time, the State Government is unable to file an affidavit.

Upon hearing the counsels for the parties, this Court finds that Mohd. Umar and Ali Ahmad are entitled to attend the funeral rites of their deceased brother Aban Ahmad. Mohd. Umar and Ali Ahmad cannot be denied their rights to attend funeral rites of their deceased brother. Sinews of a nation are strengthened when the liberties of its citizens are protected. Further, interest of justice will be served by issuing the following directions :-

- (i) Mohd. Umar and Ali Ahmad shall be permitted to attend the last rites of their deceased brother Aban Ahmad at Kasari Masari Graveyard, Prayagraj. The proposed date and time for the last rites of Aban

Ahmad (since deceased) is about 08:00 PM on 08.08.2026.

(ii) Mohd. Umar and Ali Ahmad shall be brought to the funeral ground under police custody and protection. The Director General of Police, Government of Uttar Pradesh shall ensure that a senior responsible officer is nominated for ensuring the protection of Mohd. Umar and Ali Ahmad during the period of custody parole. The security of Mohd. Umar and Ali Ahmad shall be monitored on real time basis by the said officer for the period during which they are on custody parole. The safety and security of Mohd. Umar and Ali Ahmad shall be ensured at all times from the moment they depart from jail premises and till they return back to the jail after the funeral rites.

(iii) Mohd. Umar and Ali Ahmad shall be permitted to have a meeting with their younger sibling, namely, Ehzam Ahmad and paternal aunt Parveen Qureshi/petitioner at a place which shall be decided by the State Authorities. The duration of the said meeting will be permitted for one hour. The meeting shall take place under police supervision.

(iv) After the funeral rites and the meeting of the four family members is over, Mohd. Umar and Ali Ahmad shall be escorted back to their respective jails by the police authorities.

Apart from the undertaking given by the petitioner in the writ petition, the following conditions shall be strictly adhered to by Mohd. Umar and Ali Ahmad while on custody parole under orders of this Court :-

a) Mohd. Umar and Ali Ahmad shall not address any public gathering, speak to the media including social

media and electronic media.

b) Mohd. Umar and Ali Ahmad shall not participate in any procession or attend any other event apart from the funeral related religious rites at Kasari Masari, Graveyard, Prayagraj.

c) Mohd. Umar and Ali Ahmad shall not speak to or communicate with any other person apart from the religious personage who will be conducting the funeral ceremony, their aunt Parveen Qureshi and brother Ehzam Ahmad.

d) Mohd. Umar and Ali Ahmad shall also strictly abide by any instructions or directions given by the police authorities/administrative authorities at any point in time during the custody parole period.

A copy of this order be served upon Government Advocate for onward transmission to concerned authorities for strict and urgent compliance.

The writ petition is accordingly disposed of.

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

August 7, 2026

Karan