



2026:AHC:176141

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 13921 of 2026

Asma @ Sahila

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Obaidur Rahman Khan, Saddam
Husain
Counsel for Opposite Party(s) : G.A.

Court No. - 80

HON'BLE NAND PRABHA SHUKLA, J.

1. Heard Mr. Obaidur Rahman Khan, learned counsel for applicant, learned AGA and perused the record.
2. The present application under Section 538 BNSS has been filed with a prayer to allow this application and quash the Charge Sheet dated 22.09.2022 and order dated 14.07.2023 in Case No. 220 of 2023 arising out of Case Crime No. 47 of 2021, under Sections 419, 420, 468, 471, 171D, 120B IPC, Police Station-Pawai, District-Azamgarh.
3. Learned counsel for the applicants submits that in the petition filed by the co-accused persons in Application U/s 482 No. 12642 of 2024 (Smt. Parveen Bano v. State of U.P. and Another), the Co-ordinate Bench of this Court vide order dated 10.02.2026 has passed the following order:-

"1. Heard Sri Obaidur Rahman Khan, learned counsel for the applicant and learned A.G.A. for the State.

2. The present application u/s 482 Cr.P.C. has been filed with a prayer to quash the entire proceedings of Criminal Case No. 220 of 2023, arising out of Case Crime No. 47 of 2021, under Sections 419, 420, 468, 471, 120B, 171D of IPC, P.S. Pawai, District Azamgarh, as well as charge sheet dated 22.09.2022, pending in the Court of Additional Chief Judicial Magistrate, Azamgarh.

3. The brief fact of the present case is that the opposite party no.2 (Station Officer, Pawai, Azamgarh) lodged FIR on 20.04.21 u/s 419, 420, 467, 468, 471, 120B, 171D IPC with

Pawai police alleging therein that the Opposite Party No. 2 along with his police team was on patrolling to maintain law and order in the ongoing local body election, received information through mobile phone that at polling booth no. 171, 172, 173 at village Hajipur Kudrat a mob of man & women, in order to ensure victory of their candidate Ahmad @ Guddu, were casting votes on fake voter Identity Card & Aadhar Card. Having received such information, the Opposite Party No. 2 approached with alacrity and arrested 10 women & 01 man namely Lareb. On search of arrested person, they were found to have possessing voter I.D. card of some other person and the accused Lareb was arrested from nearby mosque with 100 Aadhar Cards & 117 other Voter I.D. Card. The act of the arrested person being offence punishable u/s 419, 420, 467, 468, 471, 171D, 120- B of I.P.C., were taken into custody.

4. The learned counsel for the applicant submitted that she has been falsely implicated in the present case. He further submitted that the applicant belongs to a respectable family and is a peace loving, God fearing and law abiding citizens without any past criminal record. He further submitted that in fact nothing incriminating material was recovered from the possession of the applicant but the Police in connivance with the rival candidate arrested the applicant only for being the ardent supporter of Ahmad @ Guddu. He further submitted that the applicant is an illiterate and rustic house wife belongs to rural arena of district Azamgarh and also a voter of same polling booth. He further submitted that the allegations made in the FIR and the statement recorded u/s 161 CrPC do not attract at all the provisions of Sections 419, 420, 468, 471, 171D, 120B IPC. He lastly submitted that impugned charge sheet is manifestly attended with mala fide intention as much as has been maliciously lodged with an ulterior motive for wreaking vengeance on the applicant and with a view to spite them due to private and personal grudge of the opposite party no. 2.

5. Learned AGA opposed the submission advanced by the learned counsel for the applicant. He further submitted that the Investigating Officer submitted the charge sheet after duly investigating the matter. He further submitted that the forged voter ID Card was recovered from the possession of the applicant. Prima facie offence has been made out against the applicant, thus, the present application is liable to be dismissed.

6. Having considered the rival submissions of the learned counsel for the parties and perusing the material available on record, it is evident that no specific allegation has been made in the FIR of actual impersonation and thereby casting votes. The FIR does not specifically state that the applicant actually cast a vote by impersonating another voter. Further, nothing is on the record to show that the applicant prepared, forged or

manufactured any document for the purpose of causing impersonation and thereby casting vote. The mere allegation against the applicant is that she was having in her possession a forged voter id card. Mere possession of a document without any evidence of its use or preparation, does not automatically attract serious offences of forgery. Moreover, alleged recovery is not supported by any independent witness. Further it is also important to mention here that it is not disputed that the applicant herself is a voter of the same polling booth, therefore, casting of forged vote instead of genuine vote is appeared to be unnatural.

7. At this juncture, it is inevitable to discuss the legal position pertaining to the matter in hand. Forgery is sine-qua-non of offences under sections 467, 468 and 471 IPC. Preparation of false document or false electronic record or part thereof is condition precedent for offence of forgery. Making of false document is defined under section 464 IPC. The said section 464 demonstrates that a person is said to have made false document if; (a) he executed a document claiming to be someone else or authorized by someone else; or (b) he altered and tempered a document; or (c) he obtained a document by practicing deception or from a person not in control of his faculties.

8. The basic ingredients of forgery are (1) the making of a false document or part of it and (2) such making should be with such intention as is specified in the section, viz, (a) to cause damage or infringe to (i) the public, or (ii) any person; or (b) to support any claim or title; or (c) to cause any person to part with property, or (d) to cause any person to enter into an express or implied contract; or (e) to commit fraud or that fraud may be committed.

9. The condition precedent for an offence under Sections 467 and 471 is forgery. The condition precedent for forgery is making a false document (or false electronic record or part thereof). This case does not relate to any false electronic record. In the present case, no evidence has been taken on record as to show that the applicant has forged the alleged voter id card.

10. Considering the facts and circumstances of the present case, the present case is fit case for the exercise of the inherent power enshrined u/s 482 of Cr.P.C. In exercise of inherent power enshrined u/s 482 of Cr.P.C., the present application is allowed.

11. The entire proceedings of Criminal Case No. 220 of 2023, arising out of Case Crime No. 47 of 2021, under Sections 419, 420, 468, 471, 120B, 171D of IPC, P.S. Pawai, District Azamgarh, as well as charge sheet dated 22.09.2022, pending in the Court of Additional Chief Judicial Magistrate, Azamgarh, is hereby quashed."

4. The case of the applicant is on the same footing. Accordingly, the present application is **allowed** in terms of the order dated 10.02.2026 passed in Application U/s 482 No. 12642 of 2024 (Smt. Parveen Bano v. State of U.P. and Another).

5. The entire proceedings of Case No. 220 of 2023 arising out of Case Crime No. 47 of 2021, under Sections 419, 420, 468, 471, 171D, 120B IPC, Police Station-Pawai, District-Azamgarh, pending in the Court of learned Additional Chief Judicial Magistrate, Azamgarh, are hereby quashed.

(Nand Prabha Shukla,J.)

August 20, 2026
Aditya Tripathi