



2026:AHC:27172-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. WRIT PETITION No. - 2653 of 2026

Vivek And 4 Others

.....Petitioner(s)

Versus

State Of Uttar Pradesh And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Om Sharan Goswami, Pravesh Kumar
Counsel for Respondent(s)	:	G.A.

Court No. - 45

HON'BLE RAJIV GUPTA, J.
HON'BLE ACHAL SACHDEV, J.

1. Heard learned counsel for the petitioners, learned A.G.A. for the State and perused the record.
2. The instant writ petition has been filed by the petitioners with the prayer to quash the F.I.R. dated 09.12.2025 giving rise to Case Crime No. 461 of 2025, under Sections 191(2), 191(3), 190, 115(2), 352, 324(4), 109(1) of B.N.S., Police Station- Gaunda, District- Aligarh.
3. Learned counsel for the petitioners has submitted that the petitioners are wholly innocent and have been falsely implicated in the instant case due to ulterior motive. It is next submitted that from the allegation made in the first information report, no offence whatsoever is disclosed against the petitioners and, as such, the impugned F.I.R. is liable to be quashed.
4. Per contra, learned A.G.A. has vehemently opposed the said prayer and submitted that on account of the assault made by the petitioners, two persons, namely, Omveer and Narendra have suffered injuries and have been medically examined. Moreover, from the allegations made in the impugned first information report, prima facie offence is clearly disclosed against the petitioners, therefore, the impugned first information report can not be quashed.
5. Learned A.G.A. further placed reliance on the law laid down by the Hon'ble Apex Court in the case of ***State of Telangana Vs. Habib Abdullah Jellani reported in (2017) 2 SCC 779, Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra and Others***

reported in (2021) SCC Online SC 315 and in a recent decision of the ***Hon'ble Apex Court in Criminal Appeal No. 843 of 2024, Directorate Enforcement Vs. Niraj Tyagi and others.***

6. Having considered the rival submissions made by learned counsel for the parties, the relevant law cited by learned A.G.A. and keeping in view the fact that on account of assault made by the petitioners, two persons/victims, namely, Omveer and Narendra, have received injuries and have been medically examined, as such, noting the injuries and the allegations made in the impugned first information report, we are of the opinion that prima facie offence is clearly disclosed against the petitioners and as such, the impugned first information report cannot be quashed.

7. The prayer for quashing the impugned first information report is, therefore, refused.

8. However, in case, the petitioners move an application for anticipatory bail/regular bail before the appropriate court, their bail applications shall be considered and disposed of as expeditiously as possible in accordance with law.

9. With the aforesaid observations, the instant writ petition is **disposed of.**

February 5, 2026

KS

(Achal Sachdev,J.) (Rajiv Gupta,J.)