



2026:AHC:25707-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 2189 of 2026

Sana @ Bage Jahan And Another

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Sunil Kumar Dubey
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 impugned first information report dated 11.01.2026 giving rise to Case Crime No. 0026 of 2026, under Sections 308(5), 308(6), 351(3), 61(2), 127(2) of B.N.S., Police Station Budhana, District Muzaffar Nagar.
3. Learned counsel for the petitioners has submitted that the petitioners are wholly innocent and have been falsely implicated in the present case due to ulterior motive.
4. Learned counsel for the petitioners has next submitted that from the allegations made in the first information report, prima facie no offence whatsoever is disclosed against the petitioners and as such, impugned first information report is liable to be quashed.
5. Per contra, learned AGA for the State has vehemently opposed the said prayer and has submitted that as per the allegations made in the first information report, it is specifically alleged that by putting the first informant under fear of death and by extending threats to falsely implicate him in an offence of rape, asked him to part a sum of Rs.5,00,000/-, else he would be done to death, consequent to

which, first informant alongwith his friends have transferred an amount of Rs.60,000/- in the bank account of petitioner no.1- Sana and further, transferred a sum of Rs.2,40,000/- from the account of his friend through 'PhonePe' and in all, a sum of Rs.3,00,000/- thus stands transferred in the bank account of petitioner no.1- Sana and other accused persons.

6. Learned AGA for the State has further submitted that keeping in view the said allegations, prima facie offence is clearly disclosed against the petitioners, therefore, the impugned first information report can not be quashed in view of law laid down by the Hon'ble Apex Court in the cases 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**.

7. Having considered the rival submissions made by learned counsel for the parties and taking into consideration the allegation that by putting the first informant under fear of death and by extending threats to falsely implicate him in an offence of rape, asked him to part a sum of Rs.5,00,000/-, else he would be done to death, consequent to which, first informant alongwith his friends have transferred an amount of Rs.60,000/- in the bank account of petitioner no.1- Sana and further, transferred a sum of Rs.2,40,000/- from the account of his friends through 'PhonePe' and in all, a sum of Rs.3,00,000/- thus stands transferred in the bank account of petitioner no.1- Sana and other accused persons, prima facie, offence stands clearly disclosed against the petitioners.

8. Moreover, keeping in view the relevant law cited by learned AGA for the State and the fact that impugned first information report discloses cognizable offence against the petitioners, we are of the opinion that the impugned first information report can not be quashed at this stage, therefore, the prayer for quashing the

impugned first information report is refused.

9. The instant writ petition lacks merit and is accordingly **dismissed.**

February 5, 2026

Nadim

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