



2026:AHC:22283-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. WRIT PETITION No. - 29868 of 2025

Aqil Quraishi And 8 Others

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Mary Puncha (Sheeb Jose), Mohd. Kalim
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 FIR dated 06.12.2025 giving rise to Case Crime No.438 of 2025, under Sections 191(2), 191(3), 190, 324(5), 115(2), 352, 351(3), 131, 109(1), 329(3), 326(e), 3(5) of BNS, Police Station Jamaniya, District Ghazipur.
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. He has next submitted that from the allegations made in the first information report, prima facie no offence, complained of, is disclosed against the petitioners. He has next submitted that civil disputes are pending between the parties and as such, the impugned first information report is liable to be quashed.
4. Per contra, learned AGA has vehemently opposed the said facts and has submitted that the petitioners after forming an unlawful assembly are said to have opened fire consequent to which one Rajesh Kumar has received injuries and he has been medically examined. He has further submitted that keeping in view the allegations made in the FIR and noting the injuries received by the victim Rajesh Kumar, 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.***

5. Having considered the rival submissions made by learned counsel for the parties and taking into consideration the allegations made in the first information report and the relevant law cited by learned AGA and the fact that the petitioners after forming an unlawful assembly are said to have opened fire consequent to which one Rajesh Kumar has received injuries and he has been medically examined. Moreover, from the allegations made in the impugned first information report and keeping in view the injuries received by the victim Rajesh Kumar, prima-facie cognizable offence against the petitioners is clearly disclosed, as such, we are of the opinion that the impugned first information report can not be quashed, therefore, the prayer for quashing the impugned first information report is refused.

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

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

February 2, 2026
Zafar

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