



2026:AHC:23591-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. WRIT PETITION No. - 1473 of 2026

Ayyub And 2 Others

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Lalit Prakash
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 30.12.2025 giving rise to Case Crime No. 738 of 2025, under Sections 331(4), 307 B.N.S. & Section 25/3 Arms Act, Police Station- Nawabganj, District- Bareilly.
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 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 and the relevant law cited by learned A.G.A. and taking into consideration 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 3, 2026
KS

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