



2026:AHC:23355-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 1496 of 2026

Nitish Saxena

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Tarun Kumar Srivastava
Counsel for Respondent(s)	:	G.A.

Court No. - 45

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

1. Shri Sachin Mishra advocate has made a statement at the Bar he has filed Vakalatnama on behalf of respondent no. 3 in the Registry, however the same is not on record.
2. Office to trace out the same and place it on record.
3. Heard learned counsel for the petitioner, learned counsel for the respondent no. 3, learned A.G.A. for the State and perused the record.
4. The instant writ petition seeks quashing of the FIR dated 22.12.2025 giving rise to Case Crime No. 389 of 2025, under Sections 318(4), 338, 336(3), 340(2), 61(2) BNS, Police Station- Noida Sector- 49, District- Gautam Buddha Nagar.
5. Learned counsel for the petitioner has submitted that from the allegation made in the first information report, prima facie no offence, complained of, is disclosed against the petitioner.
6. Per contra, learned AGA as well as respondent no. 3 has submitted that from the allegation made in the first information report, prima facie offence, complained of is clearly disclosed against the petitioner and, as such, the first information report cannot be quashed in view of the law laid down by the Supreme 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.***

7. Having considered the rival submissions made by learned counsel for the parties and taking into consideration the allegations made in the impugned F.I.R. and the relevant law cited by learned A.G.A. for the State and the fact that impugned F.I.R. prima facie discloses cognizable offence against the petitioner and noting the submissions made by learned AGA, we are of the opinion that impugned first information report can not be quashed.

8. The prayer for quashing the impugned FIR is, therefore, refused.

9. However, in case, the petitioner files an application for anticipatory/ regular bail before the appropriate Court, his bail application be considered and disposed of as expeditiously as possible, in accordance with law.

10. With these observations, the instant writ petition is disposed of.

February 3, 2026

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