



2026:AHC:23608-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. WRIT PETITION No. - 763 of 2026

Ashif And 2 Others

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Firdos Ahmad
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 19.07.2024 giving rise to Case Crime No.0201 of 2024, under Sections 317(2), 319(2), 318(4), 338, 336(3), 340(2), 109 of BNS, 2023, Section 11 of Animal Cruelty Act and Section 3/25 Arms Act, Police Station Sikandarpur, District Ballia.

3. At the very outset, learned counsel for the petitioners has made a statement at the Bar that petitioner nos.1 and 2, have already been arrested and as such, he does not intend to press this petition on behalf of petitioner Nos.1 and 2 and seeks to withdraw it qua petitioner nos.1 and 2.

4. In view thereof, the instant writ petition qua **petitioner Nos.1 and 2 is dismissed as withdrawn.**

3. Learned counsel for the petitioners has submitted that petitioner no.3 is wholly innocent and has been falsely implicated in the present case with ulterior motive. He next submitted that from the allegations made in the first information report, prima facie no offence, complained of, is disclosed against the petitioner no.3 and as such, the impugned first information report qua the petitioner no.3 is liable to be quashed.

4. Per contra, learned AGA for the State has vehemently opposed the said prayer and has submitted that the petitioner no.3 is the owner of the vehicle in question and

specific allegation of tampering the number plate has been alleged against the petitioner no.3 and as such, prima facie offence is clearly disclosed against the petitioner no.3, 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 keeping in view the fact that the petitioner no.3 is the owner of the vehicle in question and specific allegation of tampering the number plate has been alleged against the petitioner no.3 and as such, prima-facie offence is clearly disclosed against the petitioner no.3, as such in view of the relevant law cited by learned AGA for the State and the fact that impugned first information report discloses cognizable offence against the petitioner no.3, 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 petitioner no.3 move an application for anticipatory bail/ regular bail before the appropriate court, his 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 3, 2026
VKG

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