



2026:AHC:23576-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. WRIT PETITION No. - 758 of 2026

Shiven Mishra And 3 Others

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Anil Kumar
Counsel for Respondent(s)	: G.A., Sunil Kumar Tiwari, Vikash Kumar Tiwari

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, Sri Sunil Kumar Tiwari, learned counsel for the respondent no.5 and perused the record.
2. The instant writ petition has been filed by the petitioners with the prayer to quash the FIR dated 28.12.2025 giving rise to Case Crime No.724 of 2025, under Sections 115(2), 131, 109, 351(3) of BNS, 2023, Police Station Barhalganj, District Gurakhpur.
3. Learned counsel for the petitioners has submitted that 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 impugned first information report, prima facie no offence, complained of, is disclosed against the petitioners.
5. Learned counsel for the petitioners has further submitted that in respect of the incident, in question, another FIR was lodged by

Smt. Nirmala Devi against the nine accused persons including the informant and therefore, the impugned FIR is liable to be quashed.

6. Per contra, learned AGA for the State as well as learned counsel for the respondent no.5 have vehemently opposed the said prayer and has submitted that a subsequent FIR has been lodged by the respondent no.5 clearly stating therein that on 27.12.2025 at about 01.00 P.M., the petitioners reached the place of incident and assaulted the victims by lathi-danda, consequent to which, Sant Prasad Tiwari and Ram Bahadur Tiwari have received serious injuries and have been medically examined.

7. Learned AGA for the State as well as learned counsel for the respondent no.5 have further 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 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.***

8. Having considered the rival submissions made by learned counsel for the parties and taking into consideration the fact that on account of assault made by the petitioners by lathi-danda, two victims Sant Prasad Tiwari and Ram Bahadur Tiwari have received serious injuries and have been medically examined and keeping in view the fact that impugned first information report

discloses cognizable offence against the petitioners and noting the factum of receiving of injuries, we are of the opinion that the impugned first information report can not be quashed at this stage, more so, when respective FIRs from both the sides have been registered and both the sides have received injuries, therefore, the prayer for quashing the impugned first information report is refused.

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

February 3, 2026
VKG

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