



2026:AHC:24943-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. WRIT PETITION No. - 1620 of 2026

Mukesh And 3 Others

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Deepak Prajapati, Saurabh Singh
Counsel for Respondent(s)	: Arvind Srivastava, Awadhesh Tiwari, 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, Sri Awadhesh Tiwari, learned counsel for the respondent no.4 and perused the record.
2. The instant writ petition has been filed by the petitioners with the prayer to quash the FIR dated 04.01.2026 giving rise to Case Crime No.0002 of 2026, under Sections 191(2), 115(2), 109, 110, 118(1), 352, 351(3) of BNS, 2023, Police Station Bardah, District Azamgarh.
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, no offence whatsoever is disclosed against petitioners and as such, the impugned first information report qua petitioners is liable to be quashed.
5. Per contra, learned AGA for the State as well as learned counsel for the respondent no.4 have vehemently opposed the said prayer and has submitted that on account of assault made by the petitioners three persons/victims namely Rahul, Navin and Amit have received serious injuries and have been

medically examined.

6. Learned AGA for the State as well as learned counsel for the respondent no.4 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.***

7. Having considered the rival submissions made by learned counsel for the parties and keeping in view the fact that on account of assault made by the petitioners three persons/victims namely Rahul, Navin and Amit have received serious injuries and have been medically examined. Further keeping in view the allegations made in the impugned first information report and noting the injuries found on the person of the three persons/victim namely Rahul, Navin and Amit, we are of the opinion that prima facie offence is clearly disclosed against the petitioner and as such the impugned first information report can not be quashed, therefore, the prayer for quashing the impugned first information report is refused.

8. 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.

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

February 4, 2026
VKG

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