



2026:AHC:26653-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. WRIT PETITION No. - 367 of 2026

Vikas

.....Petitioner(s)

Versus

State Of Up And 3 Others

.....Respondent(s)

Counsel for Petitioner(s) : Prashant Sharma, Surendra Pratap Singh
Counsel for Respondent(s) : Ajay Kumar Srivastava, G.A.,
Pragya Srivastava, Rajesh Kumar Singh

Court No. - 45

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

1. Heard learned counsel for the petitioner, learned A.G.A. for the State, learned counsel for the respondent no.4 and perused the record.
2. The instant writ petition has been filed by the petitioner with the prayer to quash the F.I.R. dated 20.11.2025 giving rise to Case Crime No. 0100 of 2025, under Sections 137(2) and 87 of B.N.S., Police Station Chakkar Nagar, District Etawah.
3. Learned counsel for the petitioner has submitted that the petitioner is wholly innocent and has been falsely implicated in the present case due to ulterior motive.
4. Learned counsel for the petitioner has next submitted that from the allegations made in the first information report and the material collected during the course of investigation, prima facie no offence whatsoever is disclosed against the petitioner and as such, the impugned first information report is liable to be quashed.
5. Per contra, learned AGA for the State as well as learned counsel for the respondent no.4 has vehemently opposed the said prayer and has drawn the attention of the Court to the statement of the victim recorded under Section 183 of BNSS, wherein it has been

categorically stated that she had not gone with the petitioner out of her own free will and consent, as such, prima facie offence is clearly disclosed against the petitioner, 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.***

6. Having considered the rival submissions made by learned counsel for the parties and taking into consideration the statement of the victim recorded under Section 183 of BNSS, wherein it has been categorically stated that she had not gone with the petitioner out of her own free will and consent, as such prima facie offence is clearly disclosed against the petitioner.

7. Moreover keeping in view the allegations made in the first information report and the relevant law cited by learned AGA for the State and the fact that impugned first information report discloses cognizable offence against the petitioner, 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.

8. However in case, the petitioner files 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.

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

February 6, 2026

Nadim

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