



2026:AHC:26477-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. WRIT PETITION No. - 1098 of 2026

Subhash And 13 Others

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Mukul Yadav, Rajesh Yadav
Counsel for Respondent(s)	:	Chandra Kant Tripathi, 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 seeks quashing of the FIR dated 17.12.2025 giving rise to Case Crime No. 948 of 2025, under Section 191(2), 191(3), 190, 61(2), 109(1), 110, 351(3), 115(2), 75(1), 333, 310(2) of B.N.S., Police Station-Kotwali, District- Ghazipur.
3. Learned counsel for the petitioners has submitted that from the allegation made in the first information report, prima facie no offence, complained of, is disclosed against the petitioners and, as such, the impugned first information report is liable to be quashed.
4. Per contra, learned AGA has vehemently opposed the said prayer and has submitted that on account of assault made by the petitioners as many as 17 persons have received injuries and have been medically examined.
5. Learned AGA has further submitted that from the allegation made in the first information report, prima facie offence, complained of is clearly disclosed against the petitioners 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** and **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 the learned counsel for the parties and taking into consideration the fact that on account of assault made by the petitioners as many as 17 persons have received injuries and have been medically examined and keeping in view the allegations made in the first information report and noting the injuries received by the victims and the relevant law cited by the learned AGA, we are of the opinion that the impugned first information report discloses the cognizable offence and as such, impugned first information report cannot be quashed.

7. The prayer for quashing of the first information report is therefore, refused.

8. However, in case the petitioners files an application for anticipatory/regular bail before the appropriate court, their bail application be considered and disposed of as expeditiously as possible in accordance with law.

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

February 6, 2026

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