



2026:AHC:52498-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD**  
**CRIMINAL MISC. WRIT PETITION No. - 2101 of 2026**

Smt. Gudiya And Another

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

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Counsel for Petitioner(s) : Bhim Sen Pandey, Kartikey Pandey  
Counsel for Respondent(s) : G.A.

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**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 F.I.R. dated 09.08.2025 giving rise to Case Crime No. 0145 of 2025, under Sections 137(2), 87, 142 of B.N.S. and Sections 16/17 of POCSO Act, Police Station Itwa, District Siddharth Nagar.
3. Learned counsel for the petitioners has submitted that the petitioners are the brother and sister-in-law of the main accused Amit and have been falsely dragged in the instant case on absolutely false and frivolous allegations.
4. Learned counsel for the petitioners has next submitted that from the allegations made in the F.I.R. and the material collected during the course of investigation, prima facie no offence, complained of, is disclosed against the petitioners and as such, the impugned F.I.R. is liable to be quashed.
5. Per contra, learned AGA for the State has vehemently opposed the aforesaid prayer and has placed on record the statement of the victim recorded under Section 183 of B.N.S.S. and from perusal of the said statement, prima facie offence is clearly disclosed even as against the petitioners, therefore, the impugned F.I.R. 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 allegations made in the F.I.R. and the statement of the victim recorded under Section 183 of B.N.S.S. and the fact that impugned F.I.R. discloses cognizable offence against the petitioners, we are of the opinion that prima facie offence, complained of, is clearly disclosed against the petitioner, therefore, the impugned F.I.R. can not be quashed and the prayer for quashing the impugned F.I.R. is refused.

7. However in case, the petitioners file 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.

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

**March 16, 2026**

Nadim

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