



2026:AHC:51458-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. WRIT PETITION No. - 3966 of 2026

Santosh (Minor) And 4 Others

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Vikas Yadav
Counsel for Respondent(s)	:	G.A.

Court No. - 45

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

1. Learned counsel for the petitioners is permitted to implead the victim- Sanjana as respondent no.4, during the course of the day.
2. Heard learned counsel for the petitioners, learned A.G.A. for the State and perused the record.
3. The instant writ petition has been filed by the petitioners with the prayer to quash the impugned first information report dated 28.01.2026 giving rise to Case Crime No. 0039 of 2026, under Sections 85, 115(2), 352, 351(3) of B.N.S. and Section 3/4 of Dowry Prohibition Act, Police Station Bakhira, District Sant Kabir Nagar.
4. Learned counsel for the petitioners has submitted that the petitioners are wholly innocent and have been falsely implicated in the present case due to ulterior motive.
5. Learned counsel for the petitioners has next submitted that petitioner no.1- Santosh has never married newly impleaded respondent no.4/victim- Sanjana, daughter of respondent no.3- Smt. Ramawati Devi, however, only on false, frivolous and non-existing allegations, the impugned FIR has been registered against the petitioners.
6. Learned counsel for the petitioners has next submitted that since

the petitioner no.1- Santosh has never married Sanjana-respondent no.4, as such, she never stayed with the petitioners and the contrary allegations that she was turned out from her matrimonial home, does not arise at all and therefore, no offence, complained of, is disclosed against the petitioners and the impugned FIR is liable to be quashed being based on non-existing facts.

7. Per contra, learned AGA has vehemently opposed the said prayer and has submitted that in the impugned FIR, it is categorically stated that respondent no.4/victim- Sanjana was married to petitioner no.1- Santosh about three months back from the date of lodging the impugned FIR.

8. Learned AGA has next submitted that disputed question of fact regarding marriage of petitioner no.1 with the respondent no.4, cannot be gone into in this writ petition and no finding of fact may be recorded by the court in exercise of its writ jurisdiction at this preliminary stage.

9. Learned AGA has further submitted that taking the allegations made in the impugned FIR on its face value, submissions of learned counsel for the petitioners that petitioner no.1 has never married respondent no.4, cannot be accepted without the investigation being carried out to unravel the truth and therefore at this stage, the impugned FIR cannot be quashed.

10. Having considered the rival submissions made by learned counsel for the parties and taking into consideration the allegations made in the impugned FIR, no finding of fact can be recorded by this Court in exercise of its writ jurisdiction at this preliminary stage regarding disputed question of fact, if petitioner no.1 was married to respondent no.4 as alleged, and in the absence of which, it cannot be said that the offences, complained of, are not made out against the petitioners.

11. It is further germane to point out here that disputed question of

marriage of petitioner no.1 with the respondent no.4, can only be decided on the basis of evidence led during the course of investigation, which is yet to come and therefore, relying upon the bald submissions of learned counsel for the petitioners, no finding regarding the factum of marriage between petitioner no.1 and respondent no.4 can be recorded at this preliminary stage and based thereon, the impugned FIR cannot be quashed at this nascent stage.

12. For the foregoing reasons, based on the disputed question of fact regarding marriage, we are of the firm opinion that the impugned FIR cannot be quashed at this nascent stage.

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

March 13, 2026

Nadim

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