



2026:AHC:38858-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. WRIT PETITION No. - 1954 of 2026

Devesh Kumar And Another

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Suneel Kumar
Counsel for Respondent(s)	:	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 17.08.2025 giving rise to Case Crime No.185 of 2025, under Sections 8/15(C)/25/29 of Narcotics Drugs & Psychotropic Substances Act, 1985, Police Station Rahra, District Amroha.
3. At the very outset, learned counsel for the petitioners has made a statement at the Bar that the petitioner no.2 has already been arrested and as such he does not intend further to press the instant writ petition qua petitioner no.2 and he seeks to withdraw it.
4. In view of the above, this writ petition is **dismissed** as withdrawn qua petitioner no.2-**Ibne Hasan**.
5. It is further submitted that so far as other petitioner i.e. petitioner no.1 is concerned, he is wholly innocent and has been falsely implicated in the present case due to ulterior motive. It is next submitted that the petitioner no.1-Devesh Kumar is not named as an accused in the impugned first information report.
6. It is further submitted that pursuant to the lodging of the said first information report, the petitioner no.1 has filed a surrender application before the competent court upon which a report was called for by the

competent court whereupon a report dated 10.02.2026 has been submitted by the Investigating Officer that the petitioner no.1 is 'wanted' in the instant case.

7. It is next submitted that from the allegations made in the first information report, prima facie no offence, complained of, is disclosed against the petitioner no.1 and as such, the impugned first information report qua the petitioner no.1 is liable to be quashed.

8. Per contra, learned AGA has vehemently opposed the said prayer and has submitted that from the allegation made in the first information report, prima facie offence, complained of is clearly disclosed against the petitioner no.1 and it is shown that he is wanted in the instant case, 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, 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*.

9. Having considered the rival submissions made by learned counsel for the parties and taking into consideration the allegations made in the impugned F.I.R. and the relevant law cited by learned A.G.A. for the State and the fact that impugned F.I.R. prima facie discloses cognizable offence against the petitioners and noting the submissions made by learned AGA, we are of the opinion that impugned first information report can not be quashed.

10. The prayer for quashing the impugned FIR is, therefore, refused.

11. The writ petition lacks merit and it is accordingly **dismissed**.

February 20, 2026
Zafar

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