



2026:AHC:39026-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. WRIT PETITION No. - 1962 of 2026

Haseen And 4 Others

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Mayank Shekhar Singh, Pramod Kumar Singh Paliwal
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 has filed supplementary affidavit today in Court, which is taken on record.
2. Heard learned counsel for the petitioners, learned A.G.A. for the State and perused the record.
3. The instant writ petition seeks quashing of the FIR dated 14.12.2025 giving rise to Case Crime No.0553 of 2025, under Sections 65(1), 191(2), 191(3), 333, 115(2), 352, 351(3) of B.N.S. and Sections 5n/6 POCSO Act, Police Station Milak, District Rampur.
4. Learned counsel for the petitioners has submitted that the petitioners are wholly innocent and they have been falsely implicated in the present case due to ulterior motive. It is next submitted that from the allegations 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.
5. 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 petitioners and in support of his contention, he has produced copy of the case diary

containing the statement of the victim recorded under Section 183 B.N.S.S., wherein she has categorically stated that she is sixteen years of age and by putting her under the fear of death, offence of rape has been committed against her, 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*.

6. Having considered the rival submissions made by the parties and keeping in view, the allegations made in the impugned FIR and the statement of the victim recorded under section 183 of BNSS wherein she has candidly stated that she is a minor girl aged about sixteen years and by putting her under fear of death offence of rape has been committed against her, prima-facie cognizable offence is clearly disclosed against the petitioner as such the impugned FIR cannot be quashed, more so in view of the relevant law cited by the learned AGA for the State and noting his submissions, we are of the opinion that impugned first information report can not be quashed.

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

8. The writ petition is devoid of any merit and it is accordingly **dismissed**.

February 20, 2026

Zafar

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