



2026:AHC:34255-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. WRIT PETITION No. - 1342 of 2026

Shahbej @ Mohammad Shahvez (Minor) And
Another

.....Petitioner(s)

Versus

The State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Balram Mishra
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 26.11.2025 giving rise to Case Crime No. 1105 of 2025, under Sections 191(2), 191(3), 190, 115(2), 109(i), 131, 351(3), 127(2), 352 BNS and Section 3(1)(r), 3(1)(s), 3(2)(v) of SC/ST Act, Police Station-Khalilabad, District- Sant Kabir Nagar.
3. Learned counsel for the petitioners has submitted that petitioners are wholly innocent and have been falsely implicated in the present case due to ulterior motive.
4. Learned counsel for the petitioners has next 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.
5. Per contra, learned AGA has vehemently opposed the said prayer and has submitted that 10 nominated including the petitioners and 10-15 unknown accused persons have assaulted the victim, consequent to which, Akash, Shivam and Nagendra have received injuries and have been medically examined.
6. 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.**

7. Having considered the rival submissions made by the learned counsel for the parties and taking into consideration the fact that 10 nominated including the petitioners and 10-15 unknown accused persons have assaulted the victim, consequent to which, Akash, Shivam and Nagendra have received injuries and have been medically examined and keeping in view the relevant law cited by the learned AGA and noting the injuries and submissions made by learned AGA, we are of the opinion that the impugned first information report cannot be quashed.

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

9. 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.

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

February 16, 2026

KU

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