



2026:AHC:31698-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 3225 of 2026

Shahid Khan

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s) : Anant Vijay

Counsel for Respondent(s) : Atul Singh, G.A., Raj Kumar Tiwari,
Sujan Singh

Court No. - 45

HON'BLE RAJIV GUPTA, J.

HON'BLE ACHAL SACHDEV, J.

1. Heard learned counsel for the petitioner, learned A.G.A. for the State and perused the record.

2. The instant writ petition seeks quashing of the FIR dated 19.1.2026 giving rise to Case Crime No. 0022 of 2026, under Sections 319(2), 318(4), 318(3), 336(2), 337, 338, 336(3), 340(1), 340(2) and 316(5) of B.N.S., 2023, Police Station-Kotwali, District-Ballia.

3. Learned counsel for the petitioner has submitted that petitioner is wholly innocent and has been falsely implicated in the present case due to ulterior motive.

4. Learned counsel for the petitioner has submitted that from the allegation made in the first information report, prima facie no offence, whatsoever, is disclosed against the petitioner 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 petitioner is the Alhmad and after due inquiry made by the revenue authority, the first information report regarding fabrication in mutation records has been lodged, for which, the petitioner is clearly responsible.

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 petitioner 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 petitioner is the Alhmad and after due inquiry made by the revenue authority, the first information report regarding fabrication in mutation records has been lodged, for which, the petitioner is clearly responsible and keeping in view the allegations made in the first information report and the relevant law cited by the learned AGA and the fact that impugned first information report discloses cognizable offence, 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 petitioner files an application for anticipatory/regular bail before the appropriate court, his 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.

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

February 12, 2026

KU