



2026:AHC:32070-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. WRIT PETITION No. - 3245 of 2026

Mukul And 3 Others

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Digvijay Singh, Sr. Advocate
Counsel for Respondent(s)	:	G.A., Pramod Kumar Pandey

Court No. - 45

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

1. Sri Pramod Kumar Pandey has made statement at the Bar that in the instant case, he has already filed a vakalatnama on behalf of respondent no. 3 in the Registry on 11.02.2026.
2. However, the same is not on record.
3. Office is directed to trace out the same and place it on record.
4. Heard learned counsel for the petitioners, learned A.G.A. for the State, Sri Pramod Kumar Pandey, learned counsel for the respondent no. 3 and perused the record.
5. The instant writ petition has been filed by the petitioners with the prayer to quash the F.I.R. dated 27.01.2026 giving rise to Case Crime No. 40 of 2026, under Sections 191(2), 191(3), 115(2), 352, 351(3), 109(1) of B.N.S., Police Station- Katghar, District- Moradabad.
6. Learned counsel for the petitioners has submitted that the petitioners are wholly innocent and have been falsely implicated in the instant case due to ulterior motive. It is next submitted that a cross case has also been registered on behalf of the petitioners vide Case Crime No. 43 of 2026 in which three persons have sustained injuries on their side. It is further submitted that from the allegation made in the first information report, no offence whatsoever is disclosed against the petitioners and, as such, the impugned F.I.R. is liable to be quashed.
7. Per contra, learned A.G.A. as well as learned counsel for the

respondent no. 3 have vehemently opposed the said prayer and submitted that the petitioners along with one unknown person, have assaulted the victims, namely, Namita, Amisha and Shyam Kumar by a *tabal*, iron rods and sharp edged weapons consequent to which they have suffered injuries and have been medically examined. Moreover, from the allegations made in the impugned first information report, prima facie offence is clearly disclosed against the petitioners, therefore, the impugned first information report can not be quashed.

8. Learned A.G.A. further placed reliance on the law laid down by the Hon'ble Apex 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, the relevant law cited by learned A.G.A. and keeping in view the fact that on account of assault made by the petitioners by a *tabal*, iron rods and sharp edged weapons, three persons/victims, namely, Namita, Amisha and Shyam Kumar, have received injuries and have been medically examined, as such, noting the injuries and the allegations made in the impugned first information report, we are of the opinion that prima facie offence is clearly disclosed against the petitioners and as such, we are not inclined to interfere with and quash the impugned first information report.

10. The prayer for quashing the impugned first information report is, therefore, refused.

11. However, in case, the petitioners move an application for anticipatory bail/regular bail before the appropriate court, their bail applications shall be considered and disposed of as expeditiously as possible in accordance with law.

12. With the aforesaid observations, the instant writ petition is **disposed of.**

February 12, 2026

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