



2026:AHC:41215-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. WRIT PETITION No. - 3561 of 2026

Shyam Sundar Sharma

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s) : Rakesh Kumar Srivastava
Counsel for Respondent(s) : Ashok Kumar Mishra, Dharmendra
Kumar Mishra, G.A., Ravi Shukla

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, Shri Dharmendra Kumar Mishra, learned counsel for the respondent no.4 and perused the record.
2. The instant writ petition has been filed by the petitioner with the prayer to quash the F.I.R. dated 19.01.2026 giving rise to Case Crime No. 0013 of 2026, under Section 108 of B.N.S., Police Station Badalpur, District Gautam Budh Nagar.
3. Learned counsel for the petitioner has submitted that from the allegations made in the first information report, prima facie no offence, complained of, is disclosed against the petitioner and as such, the impugned first information report is liable to be quashed.
4. Per contra, learned AGA for the State as well as learned counsel for the respondent no.4 has vehemently opposed the said prayer and has drawn the attention of the Court to the post-mortem report of the deceased, wherein the Doctor has noted as many as five injuries on his person.
5. Learned AGA for the State as well as learned counsel for the respondent no.4 has further submitted that from the allegations made in the first information report, prima facie offence is clearly disclosed against the petitioner, therefore, the impugned first

information report can not be quashed in view of law laid down by the Hon'ble Apex Court in the cases 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 learned counsel for the parties and taking into consideration the fact that in the post-mortem report of the deceased, the Doctor has noted as many as five injuries on his person and keeping in view the allegations made in the first information report and the relevant law cited by learned AGA for the State as well as learned counsel for the respondent no.4 and the fact that impugned first information report discloses cognizable offence against the petitioner, we are of the opinion that the impugned first information report can not be quashed, therefore, the prayer for quashing the impugned first information report is refused.

7. However in case, the petitioner files an application for anticipatory/regular bail before the appropriate court, his bail application shall be considered and disposed of as expeditiously as possible in accordance with law.

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

February 24, 2026

Nadim

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