



2026:AHC:41424-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. WRIT PETITION No. - 3569 of 2026

Deepak Kumar @ Shubham

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Anand Mohan Pandey, Ashutosh Kumar Shukla
Counsel for Respondent(s)	: Anil Kumar Yadav, G.A., Saroj Kumar Dubey, Sumit Yadav

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, Sri Saroj Kumar Dubey, learned counsel for respondent No. 3 and perused the record.
2. The instant writ petition seeks quashing of the FIR dated 26.1.2026 giving rise to Case Crime No. 0016 of 2026, under Sections 191, 109(1), 115(2), 352, 351(3) of B.N.S., Police Station-Tharwai, District- Prayagraj.
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 next submitted that petitioner has not been nominated as an accused in the first information report.
5. Learned counsel for the petitioner has further submitted that petitioner has filed a surrender application before the competent court, whereupon a report has been submitted by the police that the petitioner is wanted in the instant case.

6. Learned counsel for the petitioner has next submitted that from the allegation 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.

7. Per contra, learned AGA as well as learned counsel for respondent No. 3 has vehemently opposed the said prayer and has submitted that the petitioner after thorough investigation, has now been nominated as an accused in the instant case.

8. It is further submitted that the petitioners alongwith 4-5 unknown persons had formed an unlawful assembly and had assaulted the victim Brij Lal by sharp edged weapon, consequent to which, Brij Lal has received head injury and has been medically examined. As per X-ray report the doctor has noted a fracture injury on the head of the victim.

9. Learned AGA has next 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.**

10. Having considered the rival submissions made by the learned counsel for the parties and taking into consideration the fact that petitioner has now been nominated as an accused in the instant case and further keeping in view that the petitioner alongwith 4-5 unknown persons had formed an unlawful assembly and had assaulted the victim Brij Lal by sharp edged weapon, consequent to which, Brij Lal has received head injury and has been medically examined. As per X-ray report the

doctor has noted that the victim Brij Lal suffered a fracture injury on his head, and as such, in view of the allegations made in the first information report, noting the injuries and submissions made by learned AGA and in view of 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.

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

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

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

February 24, 2026

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