



2026:AHC:59383-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 1913 of 2026

Jugran Sheikh @ Jubran Sheikh And 2 Others

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Amit Kumar Srivastava
Counsel for Respondent(s)	:	G.A., Himanshu Kushawaha, Kamlesh Kumar Singh, Santosh Kumar Rai

Court No. - 49

HON'BLE RAJEEV MISRA, J.

HON'BLE ACHAL SACHDEV, J.

1. Heard Mr. Amit Kumar Srivastava, the learned counsel for petitioner, the learned AGA representing State-respondents no.1 and 2 and Mr. Santosh Kumar Rai, the learned counsel representing first informant respondent no.3.

2. Perused the record.

3. Petitioners, Jugran Sheikh @ Jubran Sheikh, Aftab @ Badal and Sana Sheikh have approached this Court by means of present Criminal Misc. Writ Petition challenging the impugned FIR dated 28.12.2025 lodged by first informant respondent 3, Subhash Chandra Sharma and registered as Case Crime No. 377 of 2025, under Sections 316(2), 351(3), 308(4), 308(6) B.N.S. (corresponding Sections 406, 506, 387, 389 IPC), Police Station Cantt., District Varuna (Commissionerate Varanasi).

4. Learned counsel for petitioners in challenge to the impugned first information report has invited the attention of the Court to the impugned FIR itself and on basis thereof he submits that allegations made in the impugned FIR are totally vague. It is next contended by the learned counsel for petitioners that though it is by now well settled that FIR is not an encyclopaedia of the prosecution under the pronouncements of Supreme Court in **(i) Manoj and Others Vs. State of Maharastra (1999) 4 SCC 268** **(ii) Subhash Kumar Vs. State of Uttarakhand (2009) 6 SCC 641** and **(iii) Achhar Singh Vs. State of M.P. (2021) 5 SCC 543** but it thus disclose the basis prosecution case. When the basis prosecution case as unfolded in the first information report is examined, it is not apparent as to whether the agreement between the parties is a registered agreement and secondly, what

is the mode of payment pursuant to the said agreement. Apart from above, even if there was some transaction in between the parties pursuant to an agreement to sell that by virtue of the law laid down by the Supreme Court in the case of ***Rikhab Birani and another v. State of U.P. and another, 2025 SCC OnLine SC 823*** the first informant respondent no.3 ought to have filed a suit for specific performance of contract or for recovery of money. As such a purely civil dispute has been dragged into criminal litigation. On the above premise, the learned counsel for the petitioners would thus submit that the impugned FIR is liable to be quashed by this Court.

5. Per contra, the learned AGA representing State-respondents 1 and 2 and the learned counsel representing first informant respondent 3 have vehemently opposed the present writ petition. They submit that since *prima facie* a cognizable offence is disclosed from the perusal of impugned first information report, therefore, no interference is warranted by this Court in the present writ petition. However, they could not dislodge the factual and legal submissions urged by the learned counsel for the petitioners in support of the present writ petition as noted herein above with reference to the record at this stage.

6. Having heard the learned counsel for petitioners, the learned AGA representing State-respondents 1 and 2 and the learned counsel representing first informant-respondent 3 and upon perusal of the record, we are of the view that matter requires consideration.

7. Notice on behalf of State-respondents 1 and 2 has been accepted by the Learned AGA.

8. Mr. Santosh Kumar Rai, Advocate, has put in appearance on behalf of first informant-respondent 3.

9. Issue notice to first informant-respondent no.4 Ravi Prakash Jaiswal.

10. Steps for service upon respondent 4 shall be taken by the learned counsel for the petitioners within the time period provided under the Rules of the Court.

11. All the respondents shall file their respective counter affidavits within six weeks.

12. Petitioners will have two weeks thereafter to file their rejoinder

affidavits.

13. List this petition for admission before appropriate Bench on 18.05.2026.

14. Considering the facts and circumstances of the case and also the submissions urged by the learned counsel for petitioners in support of present writ petition as noted hereinabove, as an interim measure, it is hereby provided that until further orders of this Court, petitioners shall not be arrested in Case Crime No. 377 of 2025, under Sections 316(2), 351(3), 308(4), 308(6) B.N.S. (corresponding Sections 406, 506, 387, 389 IPC), Police Station Cantt., District Varuna (Commissionerate Varanasi), arising out of the impugned FIR dated 28.12.2025.

15. We are not unmindful of the judgment of Supreme Court in the case of ***Pradnya Pranjal Kulkarni Vs. State of Maharastra and another (2025) SCC online SC 1948***, and, therefore, we further direct that the investigation may go on but the police report in terms of section 193 (3) BNSS shall not be submitted by the Investigating Officer before court till the pendency of present writ petition.

16. The matter shall not be treated as tied up or part heard to this Bench.

17. Assignment, if any, stands discharged.

March 23, 2026
Prajapati RK

(Achal Sachdev,J.) (Rajeev Misra,J.)