



2026:AHC:58546-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**CRIMINAL MISC. WRIT PETITION No. - 2067 of 2026**

Kusum Maddesiya And 2 Others

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

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|---------------------------|---|------------------------------------------------|
| Counsel for Petitioner(s) | : | Gyanendra Prakash Srivastava, Raj Deepak Singh |
| Counsel for Respondent(s) | : | Ekansh Varma, G.A., Vishnu Kumar Srivastava    |

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**Connected with**

**CRIMINAL MISC. WRIT PETITION No. - 1311 of 2026**

Karuna Kant Tiwari

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

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| Counsel for Petitioner(s) | : | Pramod Kumar Sahani                         |
| Counsel for Respondent(s) | : | Ekansh Varma, G.A., Vishnu Kumar Srivastava |

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**Connected with**

**CRIMINAL MISC. WRIT PETITION No. - 16715 of 2025**

Bhopendra Yadav And Another

.....Petitioner(s)

Versus

State Of Uttar Pradesh And 3 Others

.....Respondent(s)

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| Counsel for Petitioner(s) | : | Harendra Yadav                              |
| Counsel for Respondent(s) | : | Ekansh Varma, G.A., Vishnu Kumar Srivastava |

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**Connected with**

**CRIMINAL MISC. WRIT PETITION No. - 15455 of 2025**

Abhimanyu Rai

.....Petitioner(s)

Versus

State Of U.P. And 3 Others  
.....Respondent(s)

Counsel for Petitioner(s) : Anurag Rai  
Counsel for Respondent(s) : Ekansh Varma, G.A., Vishnu Kumar  
Srivastava

**Connected with**

**CRIMINAL MISC. WRIT PETITION No. - 14370 of 2025**

Gaurav Chaturvedi  
.....Petitioner(s)  
Versus

State Of U.P. And 3 Others  
.....Respondent(s)

Counsel for Petitioner(s) : Dharendra Singh, R.P.Singh  
Counsel for Respondent(s) : Ekansh Varma, G.A., Vishnu Kumar  
Srivastava

**Court No. - 47**

**HON'BLE RAJEEV MISRA, J.  
HON'BLE LAKSHMI KANT SHUKLA, J.**

1. Heard Mr. Gyanendra Prakash Srivastava, the learned counsel for petitioners in Criminal Misc. Writ Petition No. 2067 of 2026 (Kusum Maddesiya and 2 Others Vs. State of U.P. and 4 Others) as well as the learned counsel representing petitioners in connected writ petitions, the learned A.G.A. for State-respondents 1, 2, 3 & 4 and Mr. Ekansh Varma, the learned counsel representing first informant-respondent-5.
2. Perused the record.
3. Learned counsel for petitioners in support of aforementioned writ petition has jointly urged that petitioners are innocent. They have not committed the crime in question. Individual arguments have also been raised before us to point out that the complicity of some of the petitioners does not stand established in the crime in question as per material on record. It is on the strength of aforesaid submission that it is sought to be urged by the learned counsel for petitioners before this Court that the impugned FIR is, therefore, liable to be quashed by this Court.

4. Per contra, the learned A.G.A. for State-respondents has vehemently opposed the present writ petition. Learned A.G.A. submits that since the impugned FIR discloses the commission of a cognizable offence, therefore, no interference is warranted by this Court in present writ petition. At this stage, only a prima-facie case is to be seen. The individual innocence of petitioners cannot be determined by this Court with reference to the disputed defense of petitioners.

5. Mr. Ekansh Varma, the learned counsel representing first informant-respondent-5 submits that a calculated fraud has been played in this case. The borrower and the employees of the firm namely Gaurav Chaturvedi and Abhimanyu Rai have got encashed various policies by showing a living person to be dead. He, therefore, submits that the issues involved in the impugned FIR is a factual issue as to whether there is conspiracy on the part of the employees of the financial institution and the borrower in committing the crime in question on the one hand and whether the claim had been made by a living person showing him to be dead. Such issues cannot be decided merely on the basis of pleadings raised in the writ petition or the submissions urged by the respective learned counsel for petitioners. There is no impeccable evidence on record to show that the alleged deceased was dead on the alleged to be his date of death. In view of above, it is thus urged by the learned counsel representing first informant-respondent-5 that no interference is warranted by this Court in present writ petitions. The same are, therefore, liable to be dismissed.

6. When confronted with above, the learned counsel for petitioners could not overcome the same.

7. Having heard the learned counsel for petitioners, the learned A.G.A. for State-respondents 1, 2, 3 & 4, Mr. Ekansh Varma, the learned counsel representing first informant-respondent-5 and upon perusal of record, we find that the objections raised by the learned A.G.A. and the learned counsel representing first informant-respondent-5 in opposition to present writ petition are clearly borne out from the record. Furthermore, the same could not be dislodged by the learned counsel for petitioners with reference to the record at this stage.

8. In view of above, these writ petitions fail and are liable to be dismissed.

9. They are, accordingly, **dismissed**.

**March 20, 2026**

Vinay

**(Lakshmi Kant Shukla,J.) (Rajeev Misra,J.)**