



2026:AHC-LKO:2076-DB

AFR

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. WRIT PETITION No. - 12344 of 2025

Miss Shabnam

.....Petitioner(s)

Versus

State Of U.P. Thru. Secy. Prin. Secy. Home And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Sajjad Husain, Badar Iftikhar, Kulsoom Firoz
Counsel for Respondent(s)	:	G.A.

Court No. - 9

**HON'BLE RAJESH SINGH CHAUHAN, J.
HON'BLE PRAMOD KUMAR SRIVASTAVA, J.**

1. Heard, Shri Sajjad Husain, learned counsel for the petitioner and Ms. Meera Tripathi, learned AGA for the State.

2. By means of this petition, the petitioner has prayed the following reliefs:-

*"I. Issue any appropriate writ or direction in the nature of mandamus, commanding and directing the opposite party No. 1 & 2, to take lawful action against opposite party Nos. 3 & 4 for not communicating any action/refusal taken on the petitioner's statutory application dt. 18.10.2025 moved under Section 154 Cr.P.C. as per the law settled by the Hon'ble Supreme Court in **Lalita Kumari vs. Government of Uttar Pradesh & Others (2014) 2 SCC 1**, in the interest of Justice.*

*II. Issue any appropriate writ, order or direction in the nature of Mandamus, commanding the opposite party no. 1 & 2 to decide the representation of the petitioner dt. 27.11.2025 within stipulated time and period as this Hon'ble Court may deem fit and proper in the interest of justice. Copy of the application dated 27.11.2025 moved under section 36 CRPC (Section 30 BNSS) before the Opposite Party Nos. 1 & 2, is annexed as **Annexure No. 1** to this writ petition.*

*III. Issue a writ, order or direction in the nature of Mandamus, commanding and directing to the opposite party No. 2 to take appropriate steps as to initiate departmental proceedings for non-compliance of judgment and order as law settled by the Hon'ble Apex Court **Lalita Kumari Vs. Government of Uttar Pradesh and others 2014 (2) SCC 1**, against the opposite party No. 3 for securing the ends of justice."*

3. Reliance has been placed on the judgment of the Hon'ble Apex Court in **re: Lalita**

Kumari vs. Government of Uttar Pradesh and others, (2014) 2 SCC 1, referring paragraphs 120.1 to 120.8. Further reliance is placed on the order dated 17.11.2025 passed by the coordinate bench of this Court disposing of a petition in light of the dictum of the Hon'ble Apex Court in re: Lalita Kumari (Supra). Therefore, learned counsel for the petitioner has requested that this writ petition may be disposed of in light of the dictum of the Hon'ble Apex Court in Lalita Kumari (Supra), in the same manner as the petition decided by the coordinate bench vide order dated 17.11.2025 (Annexure No. 10).

4. Per contra, Ms. Meera Tripathi, learned AGA, has placed reliance on the dictum of the judgment of this Court in **re: Waseem Haider vs. State of U.P. and others, (2021) 2 ADJ 86; 2020 SCC OnLine ALL 1866**. She stated that the Division Bench of this Court, in the case of **Waseem Haider**, after considering the law laid down by the Supreme Court in Lalita Kumari (Supra), expressed the opinion that the informant has a statutory remedy under Section 156(3) Cr.P.C. or under Section 200 Cr.P.C. Paragraph 45 of the said judgment is quoted hereinbelow:

"45. Before parting, the conclusion arrived at based on the above discussion and analysis is delineated below for ready reference and convenience:—

*(1) A writ of mandamus to compel the police to perform its statutory duty under Section 154 Cr.P.C. can be denied to the informant/victim for non-availing of alternative remedies under Sections 154(3), 156(3), 190, and 200 Cr.P.C., unless the four exceptions enumerated in the decision of the Apex Court in **Whirlpool Corporation vs. Registrar of Trade Marks, Mumbai and Ors., (1998) 8 SCC 1**, come to the rescue of the informant/victim.*

*(2) The verdict of the Apex Court in **Lalita Kumari vs. Government of U.P. & Ors., (2014) 2 SCC 1**, does not pertain to the issue of entitlement to a writ of mandamus for compelling the police to perform statutory duties under Section 154 Cr.P.C. without availing alternative remedies under Sections 154(3), 156(3), 190, and 200 Cr.P.C.*

(3) The informant/victim, after furnishing first information regarding a cognizable offence, does not become functus officio for seeking a writ of mandamus to compel the police authorities to perform their statutory duty under Section 154 Cr.P.C. in case the FIR is not lodged.

(4) The proposed accused, against whom the first information of commission of a cognizable offence is made, is not a necessary party to be impleaded in a petition under Article 226 of the Constitution of India seeking issuance of a writ of mandamus to compel the police to perform their statutory duty under Section 154 Cr.P.C."

5. The learned AGA further submitted that if, upon the application of the aggrieved person for the lodging of an FIR, the FIR is not registered by the Police Officer, and if, upon subsequent application to the Superintendent of Police or Senior

Superintendent of Police, no appropriate order is passed, the aggrieved person may then approach the Court of the Magistrate seeking a direction to lodge the FIR, as categorically provided in the statute. Ms. Tripathi has drawn the attention of this Court toward Section 175(3) of the BNSS, which reads as follows:

"Section 175(3)- Any Magistrate empowered under section 210 may, after considering the application supported by an affidavit made under sub-section (4) of section 173, and after making such inquiry as he thinks necessary and submission made in this regard by the police officer, order such an investigation as above-mentioned."

6. Notably, Section 175(3) is the corresponding section to Section 156(3) Cr.P.C. Therefore, Ms. Tripathi, learned AGA, has stated that as the mechanism has already been provided in the statute, the same should be abided by in letter and spirit. She has further submitted that in the decision in re: Waseem Haider, directions has been issued following the dictum of the Hon'ble Apex Court in re: Lalita Kumari (Supra).

7. Insofar as the appropriate action against the arrayed Police Officer is concerned, it is always open to the competent authority to take appropriate action if it is found that, despite information being given regarding a cognizable offence, the FIR was not lodged.

8. Having heard the learned counsel for the parties and perused the material available on record, we are of the considered opinion that if a mechanism has been provided in the statute for lodging an FIR, and that mechanism is indicated stage-by-stage, the same must be complied with in its letter and spirit. Since this Court, in re: Waseem Haider (Supra), passed an order following the dictum of the Hon'ble Apex Court in re: Lalita Kumari (Supra) upon which reliance has been placed by the learned counsel for the petitioner and since the main grievance of the petitioner in his representation dated 27.11.2025 is that an FIR should be lodged on his application, the same should be lodged strictly in accordance with law. Therefore, without entering into the merits of the issue, we hereby dispose of this petition finally at the admission stage, giving liberty to the petitioner to take appropriate steps strictly in accordance with law. The grievance of the petitioner may be redressed in light of the decision of this Court in re: Waseem Haider (Supra), wherein the dictum of the Hon'ble Apex Court in re: Lalita Kumari (Supra) has been followed.

9. In view of above, this writ petition is **disposed of** finally.

January 12, 2026
Haseen U.

(Pramod Kumar Srivastava,J.) (Rajesh Singh Chauhan,J.)