



2026:AHC-LKO:20532-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. WRIT PETITION No. - 2457 of 2026

Rajendra Singh

.....Petitioner(s)

Versus

State Of U.P. Thru. Addl. Chief Secy. Home Deptt.
Lko. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s) : Sudhakar Mishra, Rajesh Kumar Dubey
Counsel for Respondent(s) : G.A.

Court No. - 10

**HON'BLE RAJNISH KUMAR, J.
HON'BLE MRS. BABITA RANI, J.**

1. Heard Sri Sudhakar Mishra, learned counsel for the petitioner and learned A.G.A. for the State.

2. The present petition has been filed seeking following main relief:-

"I) Issue a writ order or direction in the nature of Mandamus commanding opposite parties particularly opposite party no. 2 and 3 to follow the principal and observation of the judgement and order rendered by Hon'ble Apex Court in the matter of cognizable offence (contained as Annexure No.- 2), in the interest of justice.

II) Issue a writ order or direction in the nature of Mandamus commanding opposite parties particularly opposite party no. 2 and 3 to treat the police report dated 22.6.2025 as a enquiry report to initiate the criminal proceeding against the Opposite Party No.- 4 and 5, in the interest of justice."

3. Learned AGA has raised a preliminary objection that the prayers made in the petition are vague and cannot be granted by this Court and in fact, it appears that the petitioner wants the registration of the FIR for which he may approach the concerned Magistrate in view of the judgement of a co-ordinate Bench of this Court in the case of **Waseem Haider Vs. State of U.P. and others; (2021) 2 ADJ 86.**

4. On preliminary objection raised by learned A.G.A. that the petitioner

has statutory and alternative remedy to approach the Magistrate concerned for lodging the F.I.R. under the Bhartiya Nagarik Suraksha Sanhita, 2023, therefore, this petition is not maintainable, learned Counsel for the petitioner could not dispute the same and he also relies upon the aforesaid judgement in the case of **Waseem Haider Vs. State of U.P. and others; (2021) 2 ADJ 86.**

5. In regard to the judgment rendered in the case of **Waseem Haider (supra)**, learned A.G.A. submits that in that case also, a Co-ordinate Bench of this Court, after considering the observation made by the Supreme Court in the case of **Lalita Kumari versus State of U.P. & others; AIR 2014 SC 187**, has observed in paragraph-45 that the informant/victim has remedy under Section 156 (3) Cr.P.C. and writ petition should ordinarily not be filed for seeking a direction in the nature of mandamus to perform the statutory duty under Section 154 Cr.P.C. Paragraph 45 of the judgment in **Waseem Haider (supra)** is quoted herein below:-

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

(1) 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 remedy under Sections 154(3), 156(3), 190 and 200 Cr.P.C., unless the four exceptions enumerated in decision of Apex Court in the the case of Whirlpool Corporation Vs. Registrar of Trade Marks, Mumbai and Ors., (1998) 8 SCC 1, come to rescue of the informant/victim.

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

(3) The informant/victim after furnishing first information regarding cognizable offence does not become functus officio for seeking writ of mandamus for compelling 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 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 writ of mandamus to compel the police to perform their statutory duty under Section 154 Cr.P.C."

6. In view of aforesaid, the writ petition is **dismissed** on the ground of availability of alternative and statutory remedy under the Bharatiya Nagarik Suraksha Sanhita, 2023, which may be availed by the petitioner, if so advised.

(Mrs. Babita Rani,J.) (Rajnish Kumar,J.)

March 20, 2026

AKK