



2026:AHC-LKO:22240-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. WRIT PETITION No. - 1499 of 2026

Izharul Haque And 7 Others

.....Petitioner(s)

Versus

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

.....Respondent(s)

Counsel for Petitioner(s) : Shahid Salam, Farhan Ahmad
Khan, Mohd. Kashif Rafi, Ramish
Ahmad Baig, Shahid Salam,
Swadha Kumari, Vibha Yadav
Counsel for Respondent(s) : G.A.

Court No. - 11

**HON'BLE ABDUL MOIN, J.
HON'BLE PRAMOD KUMAR SRIVASTAVA, J.**

1. In pursuance of earlier order of this Court, Sri Nripendra Mishra, Advocate has filed Vakalatnama on behalf of respondent no. 4 which is taken on record.
2. Respondent no. 4 is also present before this Court, who has been brought by Sub Inspector Virendra Govind Rao, Police Station Laliya, District Balrampur.
3. List of the personal appearance matters has been revised. None appears on behalf of the petitioners to press this petition even in the revised call.
4. Instant petition has been filed praying for quashing of the first information report dated 15.01.2026 bearing Case Crime No. 0002 of 2026, under Sections 4, 3 of Muslim Women (Protection of Right on Marriage) Act, 2019, Sections 4, 3 (D.P. Act), and Section 351(3), 115(2), 85 of BNS, 2023, Police Station Laliya, District Balrampur.
5. A perusal of the order dated 23.02.2026 passed by this Court indicates that as the petitioners had indicated that there is every likelihood of the parties entering into a settlement in case the matter is referred to Mediation Center, this Court had required the petitioners to deposit a sum of Rs.20,000/- in order to show their bona fides and

an interim order was passed subject to deposit of the amount.

6. As per the office reports dated 23.03.2026, the petitioners have neither deposited the aforesaid amount nor steps have been taken for issue of notice to opposite party no.4.

7. It is, thus, apparent that a false statement has been given before this Court apart from the fact that even the bonafides, as has been expressed by the learned counsel for the petitioners for paying the amount of Rs.20,000/- in order to settle the dispute amicably between the parties has not been adhered to. This clearly amounts to abuse of the process of the Court.

8. In this regard, it would be apt to refer to the judgment of the Hon'ble Supreme Court in the case of **Dalip Singh vs State of Uttar Pradesh & Ors : (2010) 2 SCC 114** wherein the Hon'ble Supreme Court has condemned litigants who use the justice system for their benefit and thereby attempt to pollute the streams of justice.

9. For the sake of convenience relevant observations of the Hon'ble Supreme Court in the case of **Dalip Singh (supra)** are reproduced below:-

"In last 40 years, a new creed of litigants has cropped up. Those who belong to this creed do not have any respect for truth. They shamelessly resort to falsehood and unethical means for achieving their goals. In order to meet the challenge posed by this new creed of litigants, the courts have, from time to time, evolved new rules and it is now well established that a litigant, who attempts to pollute the stream of justice or who touches the pure fountain of justice with tainted hands, is not entitled to any relief, interim or final."

10. Aforesaid judgment has again been considered by the Hon'ble Supreme Court in the case of **Pandurang Vithal Kevne vs Bharat Sanchar Nigam Limited & Anr : 2024 INSC 1051**.

11. Likewise, this Court in **Criminal Misc. Writ Petition No. 9143 of 2025 In Re Ashish Kumar & Ors vs State of U.P. & Ors** where in similar circumstances a litigant had approached this Court duly indicating that he was willing to settle the matter by appearing before the Mediation Center of this Court and in order to show his bonafides certain amount was also required to be deposited yet he failed to

either deposit the said amount or appear before the Mediation Center of this Court, as such this Court vide judgment and order dated 24.11.2025 dismissed the said petition with an exemplary cost of Rs.25,000/- which was required to be recovered, in case of non payment within a stipulated time as arrears of land revenue.

12. For the sake of convenience, relevant observations in the case of **Ashish Kumar (supra)** are reproduced hereunder:-

"3. Perusal of aforesaid order emerges that a statement had been made on behalf of the petitioners that there is every likelihood of the parties settling the dispute in case matter is referred to the Mediation Centre of this Court. Considering the aforesaid, this Court had issued the notice to the respondent no. 4 and also required that the petitioner no. 1 shall deposit a sum of Rs.25,000/- before this Court within a period of ten days.

4. From the perusal of Office reports dated 18.11.2025 and 21.11.2025, it emerges that (a) the amount of Rs.25,000/- has not been deposited and (b) no steps has been taken for issuance of notice to the respondent no. 4. Even learned counsel for the petitioners is not present today.

5. Thus, prima facie, the only reason why a statement was made before this Court for sending the matter to the Mediation was to persuade this Court to grant an interim order in favour of the petitioners. The very conduct of the petitioners in not depositing the amount of Rs.25,000/- before this Court and in not taking steps for issuance of notice to the respondent no. 4 thus indicates patent abuse of process of Court.

6. Considering the aforesaid, this writ petition is dismissed with an exemplary cost of Rs.25,000/- upon the petitioners. The cost shall be deposited by the petitioners before the Legal Aid Cell of this Court within a period of four weeks, failing which, the amount shall be recovered from the petitioners as arrears of land revenue.

7. Let a copy of this order be forwarded to the Senior Registrar of this Court for taking appropriate action."

13. Again, this Court in **Criminal Misc Case No.8971 of 2025 In Re Dr Nitin Tripathi & Ors vs State of U.P. & Ors** while considering the case of abuse of process of court in like circumstances has observed as under:-

"9. When once the petitioners have totally resiled from what they have

expressed before this Court on 26.09.2025 inasmuch as, neither a demand draft of Rs.40,000/- has been prepared nor any instructions have been given by the petitioners, as such, it is apparent that the petitioners have indulged in abuse of process of the Court by initially indicating their intention of settling the matter amicably and thereafter having totally resiled from the same despite an interim order having been granted in their favour on the basis of those intentions before the Court.

10. Considering the aforesaid, the Court is of the view that the writ petition deserves to be dismissed with exemplary cost.

11. Accordingly, keeping in view the aforesaid discussion, the writ petition is dismissed with cost of Rs.40,000/-. The cost shall be deposited by the petitioners with the High Court Legal Services Sub-Committee Lucknow within one month failing which the said cost shall be recovered from the petitioners as arrears of land revenue."

14. Keeping in view the aforesaid discussion and in the absence of learned counsel for the petitioners despite the list of personal appearance matters having revised and the amount of Rs.20,000/- having not been deposited, this Court has no option but to dismiss the writ petition which is **dismissed** with an exemplary cost of Rs.20,000/- to be deposited by the petitioners before the High Court Legal Services Sub-Committee, Lucknow within a period of four weeks. In case of non deposit of the aforesaid amount, the said amount would be recovered as arrears of the land revenue.

15. The reason why we impose a cost of Rs.20,000/- is that it was the same amount which the petitioners had expressed to deposit in order to show their bonafides and since no bona fides have been found on the part of the petitioners, the Court is of the view that the said amount should be imposed as exemplary costs and that nothing less than this amount would suffice.

16. Let a copy of this order be sent to Senior Registrar of this Court for appropriate action.

March 30, 2026

kkv/

(Pramod Kumar Srivastava,J.) (Abdul Moin,J.)