



2026:AHC:42719-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. WRIT PETITION No. - 2493 of 2026

Faiz Nawab @ Mohd. Faiz Khan

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Sudhakar Yadav
Counsel for Respondent(s)	:	G.A.

Court No. - 45

HON'BLE RAJIV GUPTA, J.
HON'BLE ACHAL SACHDEV, J.

1. Heard learned counsel for the petitioner, learned A.G.A. for the State and perused the record.
2. The instant writ petition has been filed by the petitioner with the prayer to quash the F.I.R. dated 20.07.2025 giving rise to Case Crime No. 288 of 2025, under Sections 109, 351(2) of B.N.S., Police Station Kotwali, District Fatehpur.
3. Learned counsel for the petitioner has submitted that from the allegations made in the first information report, prima facie no offence, complained of, is disclosed against the petitioner and as such, the impugned first information report is liable to be quashed.
4. Per contra, learned AGA for the State has vehemently opposed the aforesaid prayer and has submitted that the petitioner alongwith three others has assaulted the victim- Prashant Shukla by kicks and fists, lathi-danda, consequent to which, he has received two injuries and has been medically examined. The doctor has noted a fracture injury on his head.
5. Learned AGA for the State has next submitted that from the allegations made in the first information report, prima facie offence is clearly disclosed against the petitioner, therefore, the impugned first information report can not be quashed in view of law laid down by the Hon'ble Apex Court in the cases of ***State of Telangana Vs.***

Habib Abdullah Jellani reported in (2017) 2 SCC 779, Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra and Others reported in (2021) SCC Online SC 315 and in a recent decision of the Hon'ble Apex Court in ***Criminal Appeal No. 843 of 2024, Directorate Enforcement Vs. Niraj Tyagi and others.***

6. Having considered the rival submissions made by learned counsel for the parties and taking into consideration the fact that the petitioner alongwith three others has assaulted the victim-Prashant Shukla by kicks and fists, lathi-danda, consequent to which, he has received two injuries and has been medically examined. The doctor has even noted a fracture on his head and in view thereof, the impugned FIR cannot be quashed. Moreover, keeping in view the allegations made in the first information report and the relevant law cited by learned AGA for the State and the fact that impugned first information report discloses cognizable offence against the petitioner, we are further of the opinion that the impugned first information report can not be quashed, therefore, the prayer for quashing the impugned first information report is refused.

7. However in case, the petitioner files an application for anticipatory bail/ regular bail before the appropriate court, his bail application shall be considered and disposed of as expeditiously as possible in accordance with law.

8. With the aforesaid observations, the instant writ petition is finally **disposed of.**

February 25, 2026

Nadim

(Achal Sachdev,J.) (Rajiv Gupta,J.)