



2026:AHC:44593-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. WRIT PETITION No. - 3852 of 2026

Indrajeet And 2 Others

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Dinesh Kumar Yadav, Rahul Kumar Pal
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 petitioners, learned A.G.A. for the State and perused the record.
2. The instant writ petition seeks quashing of the FIR dated 11.2.2026 giving rise to Case Crime No. 0043 of 2026, under Sections 109(1), 3(5), 115(2), 352, 351(3) of B.N.S., Police Station-Mubarakpur, District- Azamgarh.
3. Learned counsel for the petitioners has submitted that from the allegation made in the first information report, prima facie no offence, whatsoever, is disclosed against the petitioners and, as such, the impugned first information report is liable to be quashed.
4. Per contra, learned AGA has vehemently opposed the said prayer and has submitted that petitioners alongwith one another nominated person and some unknown persons had assaulted the victim, consequent to which, Atul, Himanshu and Sachin have suffered injuries and have been medically examined.
5. Learned counsel for the petitioners has next submitted that from the allegation made in the first information report, prima facie offence, complained of is clearly disclosed against the petitioners and, as such, the first information report cannot be quashed in view of the law laid down by the Supreme Court in the case of **State of Telangana Vs. Habib Abdullah Jellani reported in (2017) 2 SCC 779 and 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 the learned counsel for the parties and taking into consideration the fact that petitioners alongwith one another nominated person and some unknown persons had assaulted the victim, consequent to which, Atul, Himanshu and Sachin have suffered injuries and have been medically examined and keeping in view the allegations made in the first information report and submissions made by learned AGA and noting the injuries and the relevant law cited by the learned AGA and the fact that impugned first information report discloses cognizable offence, we are of the opinion that the impugned first information report cannot be quashed.

7. The prayer for quashing of the first information report is therefore, refused.

8. However, in case the petitioners files an application for anticipatory/regular bail before the trial court, their bail application be considered and disposed of as expeditiously as possible in accordance with law.

9. With these observations, the instant writ petition is disposed of.

February 26, 2026
KU

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