



2026:AHC:44632-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. WRIT PETITION No. - 3878 of 2026

Shriprakash Rai @ Prakash Rai

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Purushottam Mani Tripathi
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 seeks quashing of the FIR dated 10.3.2025, giving rise to Case Crime No. 272 of 2025, under Sections 319(2), 318(4), 338, 336(3), 340(2) of B.N.S., Police Station- Kotwali, District- Deoria.
3. Learned counsel for the petitioner has submitted that from the allegation made in the first information report, prima facie no offence, complained of, is disclosed against the petitioner.
4. Per contra, learned AGA has vehemently opposed the said prayer and has submitted that on the basis of fake living certificate, the arrears of pension was being received by the petitioner though the pensioner has already passed away. Moreover from the allegation made in the first information report, prima facie offence, complained of is clearly disclosed against the petitioner 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, 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.***

5. Having considered the rival submissions made by learned counsel for the parties and taking into consideration the fact that on the basis of fake living certificate, the arrears of pension was being received by the petitioner though the pensioner had already passed away, as such prima facie offence is clearly disclosed and the impugned FIR could not be quashed. Moreover keeping in view of the allegations made in the impugned F.I.R. and the relevant law cited by learned A.G.A. for the State and the fact that impugned F.I.R. prima facie discloses cognizable offence against the petitioner and noting the submissions made by learned AGA, we are of the opinion that impugned first information report can not be quashed.

6. The prayer for quashing the impugned FIR is, therefore, refused.

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

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

February 26, 2026

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