



2026:AHC:38320-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. WRIT PETITION No. - 1951 of 2026

Furkan And Another

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Anil Kumar Shukla
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 10.12.2025 giving rise to Case Crime No.637 of 2025, under Sections 317(5), 317(2), 336(2) of BNS and Section 8/20/29/60(3) of Narcotics Drugs & Psychotropic Substances Act, 1985, Police Station Jhinhana, District Shamli.
3. Learned counsel for the petitioners has submitted that the petitioner is wholly innocent and has been falsely implicated in the present case due to ulterior motive.
4. Learned counsel for the petitioners has next submitted that from the allegations made in the first information report, prima facie no offence, complained of, is disclosed against the petitioners.
5. Per contra, learned AGA has vehemently opposed the said prayer and has 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, 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 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 petitioners and noting the submissions made by learned AGA, we are of the opinion that impugned first information report can not be quashed.

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

8. The writ petition lacks merit and it is accordingly **dismissed**.

February 20, 2026
VKG

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