



2026:AHC:39006-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. WRIT PETITION No. - 1956 of 2026

Shiva Singh (Minor)

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Alok Kumar Pandey, Kuvar Akhilesh Singh, Narendra Giri, Susheel Kumar Pandey
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 FIR dated 09.12.2025 giving rise to Case Crime No.0330 of 2025, under Sections 3(5), 109, 115(2), 352, 351(3) of BNS, Police Station Tarawa, District Azamgarh.
3. Learned counsel for the petitioner has submitted that petitioner is wholly innocent and has been falsely implicated in the present case due to ulterior motive. He has next 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 has vehemently opposed the said facts and has submitted that in the instant case two accused persons alongwith three unknown persons had assaulted the victim with lathi-danda and punch subsequent to which one Brijesh Rajbhar has sustained injuries on his head, leg and other parts of the body. It is further submitted that as per the allegations made in the FIR and keeping in view the fact that one Brijesh Rajbhar has sustained injuries on his person, 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.**

5. Having considered the rival submissions made by learned counsel for the parties and taking into consideration the allegations made in the first information report and the relevant law cited by learned AGA and keeping in view the fact that in the instant case two accused persons alongwith three unknown persons had assaulted the victim with lathi-danda and punch subsequent to which one Brijesh Rajbhar has sustained injuries on his head, leg and other parts of the body. Moreover, from the allegations made in the impugned first information report and noting the submissions made by learned AGA and keeping in view the law cited by learned AGA, prima-facie cognizable offence against the petitioner is clearly disclosed, as such, we are 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.

6. However in case, the petitioner moves 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.

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

February 20, 2026
Zafar

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