



2026:AHC:54483-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 27791 of 2025

Prem Chandra Chaurasia And 3 Others

.....Petitioner(s)

Versus

State Of Uttar Pradesh And 3 Others

.....Respondent(s)

Counsel for Petitioner(s) : Kartikey Dubey, Man Mohan Mishra,
Ravishankar Chaurasia
Counsel for Respondent(s) : G.A.

Court No. - 47

HON'BLE RAJEEV MISRA, J.

HON'BLE LAKSHMI KANT SHUKLA, J.

1. Heard Mr. Manmohan Mishra, the learned counsel for petitioners and Mr. Pankaj Srivastava, the learned A.G.A.-Ist for State-respondents 1, 2, 3 & 4.

2. Perused the record.

3. On the matter being taken up, the learned A.G.A.-Ist has filed a progress report in Court today, which is taken on record.

4. Petitioners-Prem Chandra Chaurasia and 3 Others have approached this Court by means of present criminal misc. writ petition with the following prayer;-

"It is, therefore, Most Respectfully prayed that this Hon'ble Court may graciously be pleased to:

A. Issue a necessary Writ, Order or direction in the nature of mandamus directing the Respondent No. 3 to not to harass, threaten and trouble the petitioners in connection with the FIR No. 418/2025 dated 21.10.2025 U/s 137z(2), 87 of BNS, 2023 Police Stration-Kotwali, District-Ballia as far as the Petitioners are concerned.

BN. Issue any other Writ, Order or direction in the nature of Mandamus directing the Respondent No.2 and 3 to conduct fair investigation in the missing person report 48/2025 lodged at police

station Uphaon Ballia.

C. Issue any other Writ, Order or direction which this Hon'ble Court may deem fit and proper under the circumstances of the present case.

D. To award cost to the petitioner of the present Writ Petition."

5. At the very outset, the learned A.G.A.-Ist for State-respondents 1, 2, 3 & 4 has raised a preliminary objection regarding maintainability of present writ petition. Learned A.G.A. submits that first informant-respondent-5 namely Smt. Farjana Khatoon has not been impleaded as a party respondent in present writ petition. According to the learned A.G.A.-Ist, in a writ petition arising out of an FIR, the first informant is a necessary and proper party. In the absence of first informant as a party respondent, in a writ petition challenging an FIR, the writ petition itself shall be bad for non-joinder of necessary and proper parties and therefore, liable to be dismissed.

6. It is then contended by the learned A.G.A. that petitioners are not named in the FIR dated 21.10.2025 giving rise to present writ petition. He, therefore, submits that since petitioners are not named in the FIR nor there is any document on record to show that complicity of petitioners has emerged in the crime in question during the pendency of investigation of aforementioned case crime number, therefore, present writ petition at the behest of petitioners is not maintainable. To buttress his submission, the learned A.G.A. thus referred to the **judgment dated 07.02.2022 passed by the Apex Court in Special Leave to Appeal (Crl.) No. 762 of 2020 (Hukum Chand Garg and Another Vs. The State of U.P. and Others)** as well as the Division Bench judgments of this Court passed in **Criminal Misc. Writ Petition No. 6048 of 2025 (Imran Khan Vs. State of U.P. and 3 Others) decided on 02.04.2025** and **Criminal Misc. Writ Petition No. 7347 of 2025 (Prema Devi and Another Vs. State of U.P. and 3 Others) decided on 17.04.2025**. On the above premise, the learned A.G.A.-Ist would thus submits that present writ petition is liable to be dismissed on the ground of maintainability.

7. When confronted with above, the learned counsel for petitioners could not overcome the same.

8. Having heard the learned counsel for petitioners, the learned A.G.A.-Ist for State-respondents 1, 2 & 3 and upon perusal of record, we find that the preliminary objection raised by the learned A.G.A. in opposition to present writ petition as noted herein above is clearly borne out from the record inasmuch as, first informant has not been impleaded as a party respondent in present writ petition nor the petitioners are named in the FIR giving rise to present criminal misc. writ petition, copy of which has been brought on record as Annexure-3 to the writ petition. In view of above, this writ petition fails and is liable to be dismissed.

9. It is, accordingly, **dismissed**.

10. Interim order, if any, shall stand vacated.

March 17, 2026

Vinay

(Lakshmi Kant Shukla,J.) (Rajeev Misra,J.)