



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 23305 of 2025

Adnan

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ansar Ahmad
Counsel for Respondent(s)	:	G.A.

Court No. - 48

HON'BLE CHANDRA DHARI SINGH, J.
HON'BLE LAKSHMI KANT SHUKLA, J.

At the request of learned counsel appearing on behalf of the petitioner, list on 6.11.2025 as fresh.

(Lakshmi Kant Shukla,J.) (Chandra Dhari Singh,J.)

October 15, 2025

S.K.S.



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Court No. - 49

HON'BLE AJAY BHANOT, J.
HON'BLE GARIMA PRASHAD, J.

The petitioner has sought for the following reliefs:

"(i) Issue a writ, order or direction in the nature of certiorari quashing the impugned F.I.R. dated 26.09.2025 with reference to Case Crime no. 1146 of 2025 under Sections 191(2), 191(3), 190, 124(2), 121, 125, 352, 351(3), 109, 299, 223 of B.N.S. and under Section 7 of Criminal Law Amendment Act, 1932, Police Station-Baradari, District -Bareilly.

(ii) Issue a writ, order or direction in the nature of mandamus commanding and directing the respondents not to arrest the petitioner with reference to Case Crime no. 1146 of 2025 under Sections 191(2), 191(3), 190, 124(2), 121, 125, 352, 351(3), 109, 299, 223 of B.N.S. and under Section 7 of Criminal Law Amendment Act, 1932, Police Station-Baradari, District -Bareilly."

Briefly put the prosecution case set out in the F.I.R is that on 26.09.2025 Maulana Taukir Raza had given a call for members of a particular community to assemble at Islamiya Inter college. The first informant was on duty to maintain the law and order when he received information that some anarchic elements had attacked the police party and vitiated the peace. Thereafter a number of people collected in response to the call of said Maulana Taukir Raza to gather at the appointed place. On receipt of such information the police party/QRT was duly constituted which reached Shyamganj bridge and started making some enquiries regarding the movement of the mob. Till that point in time about 200-250 people comprising the mob were proceeding from Maulana Azad Inter College towards Shyamganj chauraha. The crowd were holding boards and raised provocative slogans. The police party after intercepting the

crowd tried to persuade them not to proceed further. The crowd was also informed that no permission for any such programme was given, and that prohibitory orders under Section 163 BNSS were in force. However the nominated accused persons along with others paid little heed to the warning and persuasions made by the police personnel at the spot. Further the accused persons became more restive and started raising slogans. The police authorities also issued warnings on the loud speakers and intimidated their superior officials immediately. The police set up barriers to stop the crowd. The accused persons became aggressive and were adamant to proceed towards the appointed place for the congregation. At that point in time brickbats, stones and acid bottles were thrown at the police force from the accused persons in the crowd. The police authorities opened fire in self defence. Thereafter the mob took shelter in a pakka house and again attacked the police personnel with brickbats and stones. Gun shots were also fired from the crowd at the police personnel. In the ensuing violence the clothes of police personnel were torn and two of them sustained injuries. The aggressive actions of the crowd created an atmosphere of terror in the area. The police authorities having failed to persuade the mob through rational discourse adopted the necessary force to detain the accused persons. However, the accused persons melted away in the crowd. Empties of fire arms, acid bottles and brickbats used in the violence other materials were later recovered from the site.

Sri Anoop Trivedi, learned Additional Advocate General assisted by Sri Paritosh Malviya, learned AGA-I, submits that the attack on police force which is enforcing law and order constitutes a grave threat to the authority of the State and the rule of law. The incident is under investigation. Offences of this nature can have cascading effects and if not dealt as per law can create a threat to public safety and order. Prima facie offence is disclosed against the petitioner. The petitioner is named in the F.I.R. The investigation is on foot. Any interim relief at this stage may hamper the investigations and would be in the teeth of the law laid down by the Supreme Court in **State of Haryana v. Bhajan Lal** reported at **1992 Supp (1) SCC 335** and **Neeharika Infrastructure Private Limited Vs. State of Maharashtra** and

others reported at (2021) 19 SCC 401.

In Bhajan Lal (Supra) the Supreme Court held as under:

"102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we have given the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.

103. We also give a note of caution to the effect that the power of quashing a criminal proceeding should be exercised very sparingly and with circumspection and that too in the rarest of rare cases; that the court will not be justified in embarking upon an enquiry as to the

reliability or genuineness or otherwise of the allegations made in the FIR or the complaint and that the extraordinary or inherent powers do not confer an arbitrary jurisdiction on the court to act according to its whim or caprice."

The Supreme Court in **Neeharika (supra)** expounded the law as under:

"33.16. The aforesaid parameters would be applicable and/or the aforesaid aspects are required to be considered by the High Court while passing an interim order in a quashing petition in exercise of powers under Section 482CrPC and/or under Article 226 of the Constitution of India. However, an interim order of stay of investigation during the pendency of the quashing petition can be passed with circumspection. Such an interim order should not require to be passed routinely, casually and/or mechanically. Normally, when the investigation is in progress and the facts are hazy and the entire evidence/material is not before the High Court, the High Court should restrain itself from passing the interim order of not to arrest or ?no coercive steps to be adopted? and the accused should be relegated to apply for anticipatory bail under Section 438CrPC before the competent court. The High Court shall not and as such is not justified in passing the order of not to arrest and/or ?no coercive steps? either during the investigation or till the investigation is completed and/or till the final report/charge-sheet is filed under Section 173CrPC, while dismissing/disposing of the quashing petition under Section 482CrPC and/or under Article 226 of the Constitution of India."

Faced with this, Sri Ansar Ahmad, learned counsel for the petitioner submits that the petitioner does not wish to press the relief for quashing of the F.I.R. in the writ petition. The relief sought for quashing of the F.I.R. is accordingly declined.

Sri Ansar Ahmad, learned counsel for the petitioner recasts his relief and submits that the petitioner may be granted liberty to approach the competent court for seeking appropriate remedies available with him under the law.

It is always open to the petitioner to avail other legal remedies as may be advised.

The writ petition is disposed of.

(Garima Prashad,J.) (Ajay Bhanot,J.)

November 13, 2025
Pravin