HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

CRIMINAL MISC. WRIT PETITION No. - 5921 of 2026

Durgesh Kumar Gupta

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Lko. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Pushpila Bisht, Gagan Katyaayan
Counsel for Respondent(s)	:	G.A.

Court No. - 2

HON'BLE SAURABH LAVANIA, J.
HON'BLE PRAMOD KUMAR SRIVASTAVA, J.

1. Heard.

2. The present petition has been filed for the following main relief:-

> *"(i) to issue a writ, order, or direction in the nature of Certiorari quashing the impugned first information report, registered against the Petitioner, as FIR No. 086/2021 under sections 420, 406, 467, 468 and 471 of IPC dated 06.02.2021 at Police Station Ghazipur, DistrictLucknow, contained in Annexure no. 1 to the writ petition as well as all criminal proceedings arising therefrom including Warrant Case/Summons Criminal No. 40930 of 2025 pending before the Court of the Chief Judicial Magistrate, Lucknow;*
>
> *(ii) to issue a writ, order, or direction in the nature of Mandamus, commanding the Opposite Party No. 1 and 2 not to proceed, prosecute, or arrest or otherwise take any coercive steps against the Petitioner on the basis of the impugned F.I.R. registered against the Petitioner as FIR No. 086/2021 under sections 420, 406, 467, 468 and 471 of IPC dated 06.02.2021 at Police Station Ghazipur, District Lucknow contained in Annexure no. 1 to the writ petition;*
>
> *(iii) To treat the Deed of Compromise and Settlement dated 28.03.2026 as binding between the parties for the purposes of such proceedings."*

3. From perusal of the FIR as also the copy of the deed of compromise and settlement of cases annexed as Annexure 5 to the petition, prima facie it appears that to a commercial/financial dispute criminal colour has been given by lodging an FIR No. 086/2021 dated 06.02.2021 at Police Station Ghazipur, District Lucknow, which practice has been deprecated by the Hon'ble Apex Court in various judgments, including **Deepak Gaba and**

others Vs. State of Uttar Pradesh and another, Criminal Appeal No.2328 of 2022, decided on 02.01.2023; Prof R.K. Vijayasarathy & Anr. Vs. Sudha Seetharam & Anr., Criminal Appeal No.238 of 2019, arising out of Special Leave Petition (Crl) No.1434 of 2018, decided on 15.02.2019; Lalit Chaturvedi & others Vs. State of Uttar Pradesh & another, SLP (Crl) No.13485 of 2023, order dated 06.02.2024; Randheer Singh Vs. State of U.P., (2021) 14 SCC 626; Syed Yaseer Ibrahim Vs. State of U.P., (2022) 17 SCC 611; Rikhab Birani Vs. State of U.P., 2025 SCC OnLine SC 823; Jay Shri Vs. State of Rajasthan, 2024 SCC OnLine SC 54 and Debu Singh and another Vs. State of U.P. [SLP (Crl.) No.3620 of 2025)].

4. Accordingly, issue notice to the opposite party No. 3. Steps for service of notice be taken within seven working days.

5. Learned AGA prays for and is granted four weeks time to file counter affidavit.

6. Two weeks' time thereafter would be available to the petitioners' counsel to file rejoinder affidavit.

7. List/put up this case after expiry of aforesaid period alongwith service report.

8. Till the next date of listing, the petitioner shall not be arrested in pursuance of the impugned First Information Report No. 086/2021..

9. It is made clear that this order shall not be construed as an order of stay on the investigation. Accordingly the investigation shall go on, as per law, and the petitioners shall cooperate in the same, failing which it shall be one of the grounds to move an application for vacation of this interim order.

(Pramod Kumar Srivastava,J.) (Saurabh Lavania,J.)

June 19, 2026
Arvind

Digitally signed by :-
ARVIND KUMAR SRIVASTAVA
High Court of Judicature at Allahabad,
Lucknow Bench