2026:AHC:208771-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 17782 of 2025

Naeem @ Nayeemuddin And 5 Others

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Arvind Kumar Verma
Counsel for Respondent(s)	:	G.A., Manish Chand Umrao, Ram Kailash

Court No. - 47

HON'BLE RAJEEV MISRA, J.
HON'BLE JAI KRISHNA UPADHYAY, J.

1. Heard Mr. Animesh Kumar Kushwaha, Advocate, holding brief of Mr. Arvind Kumar Verma, the learned counsel for petitioners and the learned A.G.A. for State-respondents 1 & 2.

2. Perused the record

3. Petitioners-Naeem @ Nayeemuddin And 5 Others have approached this Court by means of present Criminal Misc. Writ Petition challenging the FIR dated 20.07.2025 lodged by first informant-respondent-3, Smt. Rajiya and registered as Case Crime No. 0284 of 2025, under Sections 147, 148, 149, 452, 307, 323, 324 I.P.C., Police Station- Govind Nagar, District-Mathura.

4. Present writ petition came up for admission on 13.08.2025 and this Court passed the following order:-

"Heard learned counsel for petitioner and learned AGA for State-respondents.

The present writ petition has been preferred with the prayer to quash the impugned First Information Report dated 20.7.2025 registered as Case Crime No.284 of 2025 under sections-147,148,149,452,307,323,324 IPC Police Station- Govind Nagar District- Mathura and for a direction to the respondents not to arrest the petitioner in pursuance of impugned First Information Report.

Learned counsel for the petitioner submits that with regard to the same incident earlier First Information Report was lodged by the police against

both the parties and respondent no.3 was also accused.The separate First Information Report has been lodged by the respondent no.3 after about six years of the same dispute.

Learned AGA has opposed the submissions made by learned counsel for the petitioner.

Matter requires consideration.

Issue notice to respondent no.3

All the respondents may file counter affidavit within period of four weeks. Petitioner may file rejoinder affidavit within two weeks.

List this case after six weeks.

Till the next date of listing or till cognizance is taken by court on police report submitted under Section 173(2) Cr.P.C.,/193(3) B.N.S.S., the respondents are restrained from arresting the petitioners pursuant to the First Information Report, subject to cooperation in ongoing investigation.
"

5. On the matter being taken up, the learned A.G.A. for State-respondents 1 & 2 submits that during pendency of present writ petition, Investigating Officer upon completion of statutory investigation of aforementioned case crime number in terms of Chapter-XIII BNSS, Investigating Officer has forwarded the charge sheet/police report in terms of Section 193(3) BNSS. In view of above, the learned A.G.A. submits that remedy now lies to the petitioner to approach this Court by means of an application under Section 528 BNSS challenging aforementioned charge sheet/police report as well as the cognizance taking order/summoning order to be passed by the Jurisdictional Magistrate in exercise of jurisdiction under Section 210 BNSS. As such, no interference is warranted by this Court in present writ petition.

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

7. Having heard the learned counsel for petitioners, the learned A.G.A. for State-respondents 1 & 2 and upon perusal of record and considering the submissions urged by the learned A.G.A., we find that in view of the objections raised by the learned A.G.A. to present writ petition, no

interference is warranted by this Court.

8. In view of above, the present writ petition fails and is liable to be dismissed.

9. It is, accordingly, **dismissed** with liberty to petitioners to file an application under Section 528 BNSS.

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

October 5, 2026
Imtiyaz

(Jai Krishna Upadhyay,J.) (Rajeev Misra,J.)

Digitally signed by :-
IMTIYAZ AHMAD
High Court of Judicature at Allahabad