HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 21731 of 2026

Ram Ashish Chauhan And Another

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Akhilesh Kumar Tripathi, Kamal Narayan, Ramashankar Yadav
Counsel for Respondent(s)	:	G.A.

Court No. - 48

HON'BLE CHANDRA DHARI SINGH, J.
HON'BLE TARUN SAXENA, J.

1. The instant writ petition has been filed by the petitioners with following main reliefs:-

"I. Issue a writ, order or direction in the nature of Certiorari to quash the First Information Report dated 29.04.2026, registered as Case Crime No. 0161 of 2026, under Sections 3(5), 352, 351(3), 115(2), 109(1) B.N.S., Police Station Mubarakpur, District - Azamgarh.

II. Issue a writ, order or direction in the nature of Mandamus directing/commanding the respondents authorities not to arrest the petitioners in pursuance of First Information Report dated 29.04.2026, registered as Case Crime No. 0161 of 2026, under Sections 3(5), 352, 351(3), 115(2), 109(1) B.N.S., Police Station Mubarakpur, District - Azamgarh."

2. Learned counsel appearing on behalf of petitioners submitted that the petitioners have been falsely implicated in the instant case and they have not committed any offence as alleged in the impugned F.I.R. He submitted that the injury report of the informant is forged and doubtful. Learned counsel for petitioners submitted that whatever the allegations made in the F.I.R. are false and fabricated. It is submitted that the impugned F.I.R. is nothing but gross misuse of process of law and in view of the above-said facts the impugned F.I.R. may be quashed.

3. *Per contra*, learned A.G.A. for the State submitted that after plain

reading of F.I.R., *prima facie*, the cognizable offence is made out against the petitioners. The petitioners have failed to make out any case warranting interference by this Court for quashing the F.I.R. In view of the nature of the allegations and the material disclosed in the F.I.R., it is submitted that the petitioners are not entitled to any discretionary relief under Article 226 of the Constitution of India.

4. We have heard learned counsel for the petitioners and learned Additional Government Advocate for the State-respondents. We have perused the pleadings, the material available on record, the contents of the impugned First Information Report are reproduced here-in-below:

"First Information Report

नकल तहरीर वादी सेवा में श्रीमान प्रभारी निरिक्षक महोदय थाना मुबारकपुर जनपद आजमगढ़ महोदय मैं प्रार्थी प्रताप चौहान पुत्र स्व० जीता ग्राम लाड़ो थाना मुबारकपुर जनपद आजमगढ़ का निवासी हूँ। दिनांक *28.04.26* को मेरा लड़का जसवन्त चौहान चौहान उम्र *23* वर्ष अपनी बहन संजू चौहान के साथ गांव के सुवाष चौहान के घर आयी बारात से खाना खाकर लगभग *11* बजे रात में वापस अपने घर आ रहे थे कि जैसे ही विश्राम चौहान के घर के पास पहुंचे तो वही पर मेरे गाँव का आलोक चौहान पुत्र भूखन मेरे लड़के जसवन्त को गाली गुप्ता देते हुए गला पकड़ के धक्का दिया तब तक शोर शराबा सुनकर आलोक चौहान के पट्टीदार अपने दरवाजे पर इक्ट्ठा होकर विश्राम चौहान पुत्र सतई रामआशीष चौहान अमरीश चौहान पुत्रगण विश्राम चौहान सोनी सविता पुत्रीगण विश्राम चौहान एक राय होकर गाली गुप्ता जान से मारने की धमकी देते हुए जान मारने की नियत से डण्डा व लातघुसा से जसवन्त को मारने पीटने लगे है। जिससे उसके सर में काफी गंभीर चोट लग गयी जिससे व मौके पर बेहोश होकर गिर गया जब हमको सूचना मिली तो परिवार के लोगों के साथ आकर *108* नं एम्बुलेश से सदर अस्पलात लाये जहां डा*0* हायर सेन्टर रेफर कर दिया तब में अपने लड़के को लेकर श्याम हास्पिटल एण्ड ट्रामा सेन्टर सिकरौरा जुनेदगंज आजमगढ़ में लाकर भर्ती कराया हूँ यहा दवा इलाज चल रहा है समय निकालकर आया हूं अतः श्रीमान जी निवेदन है कि मुकदमा लिखकर उचित कार्यवाही करने की कृपा करें। हस्ताक्षर पठनीय हिन्दी प्रताप चौहान प्रार्थी प्रताप चौहान पुत्र स्व० जीता ग्रा० लाडो थाना मुबारकपुर जनपद आजमगढ़ दिनांक *29.04.26 75258XXXXX* नोट प्रमाणित किया जाता है कि तहरीर की अक्षरशः नकल मुझ हे*0*का*0* सुनील पाल द्वारा सीसीटीएनएस पोर्टल पर अंकित किया गया।*"*

5. The Supreme Court in the case of ***Muskan vs. Ishaan Khan (Sataniya) and others; 2025 INSC 1287***, has held that the Courts are not expected to hold a mini trial in order to verify the allegations which have been levelled in the FIR. For the sake of convenience, relevant observations of the Supreme Court in the case of ***Muskan (Supra)*** is reproduced below:-

"We are of the view that the High Court has erred in law by embarking upon an enquiry with regard to credibility or otherwise of the allegations

in the complaints and the FIR. Normally, for quashing an FIR, it must be shown that there exists no prime facie case against the accused persons. In the present case, from the conjoint reading of the complaints and the FIR, it can be seen that prime facie allegations of harassment and demand of dowry are made out, despite that the High Court quashed the FIR against the private respondents primarily on the ground that the earlier two complaints that were filed by the appellant did not mention the specific instances that happened on 22.07.2021 and 27.11.2022 and the same were later on mentioned in the FIR only as an afterthought and was a counterblast to the legal notice sent by respondent no.1/husband to the appellant as she was not coming back to her matrimonial home. This approach adopted by the High Court, in our considered opinion, amounts to conducting a mini trial."

6. The plain reading of FIR discloses that allegation of assault has been levelled against the petitioners. Thus, this Court is of the view that since the allegations made in the FIR *prima facie* disclose commission of cognizable offence, at this stage this Court can not embark upon an inquiry into the correctness of the allegations made in the FIR in exercise of its extraordinary jurisdiction under Article 226 of the Constitution of India.

7. It is well settled by the Supreme Court in the leading case of ***State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335***, that the extraordinary jurisdiction under Article 226 of the Constitution of India or the inherent jurisdiction for quashing criminal proceedings is to be exercised sparingly and with circumspection, and only in the rarest of rare cases where the allegations, even if taken at their face value, do not disclose the commission of any cognizable offence or where the case falls within any of the exceptional categories enumerated therein.

8. Taking into consideration the allegations contained in the impugned F.I.R., the submissions advanced by learned counsel for the parties and the settled legal principles governing the exercise of writ jurisdiction in

matters relating to quashing of criminal proceedings as well as considering the judgments of the Supreme Court in the cases of ***Muskan (Supra)*** *and* ***Bhajan Lal (Supra)***, we are of the considered opinion that no case for interference under Article 226 of the Constitution of India is made out. The First Information Report discloses *prima facie* commission of cognizable offences. This Court does not find any exceptional circumstance warranting exercise of its extraordinary writ jurisdiction for quashing of the impugned F.I.R. or for issuing a direction in the nature of mandamus, as prayed.

9. Consequently, the writ petition, being devoid of merit, is hereby **dismissed**.

October 27, 2026
Atul

(Tarun Saxena,J.) (Chandra Dhari Singh,J.)

Digitally signed by :-
ATUL KUMAR SRIVASTAVA
High Court of Judicature at Allahabad