2026:AHC:227112-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 26368 of 2026

Ghanshyam Dwivedi And 2 Other

.....Petitioner(s)

Versus

State Of U.P. & Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Pawan Shukla
Counsel for Respondent(s)	:	G.A.

Court No. - 48

HON'BLE CHANDRA DHARI SINGH, J.
HON'BLE HARVIR SINGH, J.

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

" i) Issue a writ order or direction in the nature of certiorari for quashing the First Information Report dated 01.10.2026, Crime No.365 of 2026, under Section 191(2), 85, 115(2), 352, 351(2), 64(1) of BNS and Section 3/4 of D.P. Act, Police Station Dhoomanganj, District Prayagraj, against the petitioners.

ii) Issue a writ, order or direction in the nature of mandamus restraining the respondent authorities from taking any coercive action against the petitioners in pursuance of the First Information Report dated 01.10.2026, Crime No.365 of 2026, Under Section 191(2), 85, 115(2), 352, 351(2), 64(1) of BNS and Section 3/4 of D.P. Act at Police Station Dhoomanganj, District Prayagraj, during the pendency of the present petition, in the interest of justice."

2. After some length of arguments, learned counsel appearing on behalf of the petitioners made an innocuous prayer that he may be permitted to withdraw the instant writ petition with liberty to avail the appropriate remedy available under the law as advised.

3. Learned counsel appearing on behalf of the respondent no.5 and learned AGA appearing on behalf of the State-respondents vehemently opposed the instant writ petition but have no objection on innocuous prayer made by learned counsel appearing on behalf of the petitioners.

4. Heard learned counsel appearing on behalf of the petitioners and

learned counsel appearing on behalf of the respondent no.5 as well as learned A.G.A. appearing on behalf of the State-respondents and perused the material available on record.

5. Since, learned counsel appearing on behalf of the petitioners has not pressed the instant writ petition on merits, only made innocuous prayer to avail appropriate alternative remedy as advised, we are inclined to allow the innocuous prayer made by learned counsel for the petitioners. The Investigating agency is directed not to take any coercive steps against the petitioners for seven days from today, enabling him to avail appropriate remedy as prayed.

6. Accordingly, the instant writ petition is **disposed of** with liberty as prayed.

(Harvir Singh,J.) (Chandra Dhari Singh,J.)

November 2, 2026
Mini

Digitally signed by :-
MINI KANAUJIYA
High Court of Judicature at Allahabad