2026:AHC:208515-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 30310 of 2025

Awadhesh Mishra

.....Petitioner(s)

Versus

State Of U.P. And 6 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Abhijit Kumar, Prashant Singh, Santosh Kumar Pandey, Sr. Advocate
Counsel for Respondent(s)	:	G.A.

Court No. - 47

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

1. Heard Mr. O.P. Singh, the learned Senior Counsel assisted by Mr. Santosh Kumar Pandey, learned counsel for the petitioner and Mr. Sanjay Kumar Singh, learned AGA representing state respondents 1,2,3,4, 5 and 6.

2. Perused the record.

3. Petitioner - Awadhesh Mishra has approached this Court by means of present Criminal Misc Writ Petition with the following prayer.

"(i) Issue a writ, order and direction in the nature of mandamus commanding and directing the respondent no.1 & 2 for taking necessary action on the complaint / representation of the petitioner against the respondent no.7 (Arti Singh (I.P.S.), Superintendent of Police Fatehgarh), who is pressurizing to S.O.G. Fatehgarh and Subordinate Police Officials of the several police stations District-Fatehgarh Farukkhabad for lodging the false first information report against the petitioner and also adamant for sending Jail during winter vacation.

(ii) Issue a writ, order or direction in the nature of mandamus commanding and directing the respondents to ensure protection of petitioner from police action and lodging of the first information report against the petitioner without verifying and obtaining the permission from District Judge, Farrukhabad.

(iii) Issue a writ, order or direction in the nature of mandamus commanding and directing the respondents to not interfere in peaceful practice as Advocate in District Court, Fatehgarh, Farrukhabad.

(iv) Issue any other suitable writ, order, direction as this Hon'ble Court may deem just and proper under the circumstances of the present case.

(v) To award the costs of the writ petition in favour of the petitioner."

4. The present writ petition came up for admission on 31.12.2025 and this Court passed the following order :

"1. Heard Mr. Neeraj Tripathi, the learned Senior Advocate assisted by Mr. Abhijit Kumar, the learned counsel for petitioner and Mr. Patanjali Mishra, the learned Government Advocate assisted by Mr. Sanjay Kumar Singh, the learned Additional Government Advocate.

2. Perused the record.

3. Petitioner has filed this writ petition with the following prayers.

"(i) Issue a writ, order and direction in the nature of mandamus commanding and directing the respondent no. 1 & 2 for taking necessary action on the complaint/representation of the petitioner against the respondent no.7 (Arti Singh (I.P.S.), Superintendent of Police Fatehgarh) who is pressurizing to S.O.G. Fatehgarh and Subordinate Police Officials of the several police stations District-Fatehgarh Farrukhabad for lodging the false first information report against the petitioner and also adamant for sending jail during winter vacation.

(ii) Issue a writ, order or direction in the nature of mandamus commanding and directing the respondents to ensure protection of petitioner from police action and lodging of the first information report against the petitioner without verifying and obtaining the permission from District Judge, Farrukhabad.

(iii) Issue a writ, order or direction in the nature of mandamus commanding and directing the respondents to not interfere in peaceful practice as Advocate in District Court, Fatehgarh, Farrukhabad.

(iv) Issue any other suitable writ, order, direction as this Hon'ble Court, may deem just and proper under the circumstances of the present case.

(v) To award the costs of the writ petition in favour of the petitioner."

4. At the very outset the learned Government Advocate raised a preliminary objection regarding maintainability of present writ petition. He submits that in view of the prayer made by the petitioner in the present writ petition, remedies lies to the petitioner to approach this Court by filing an application for anticipatory bail. There is a presumption in law that every action of the State or its authority is correct unless proved to the contrary, therefore, the mandamus as prayed for by petitioner is wholly misconceived.

5. When confronted with above, the learned Senior Counsel for petitioner invited the attention of the Court to the checkered conduct of the State respondents against the petitioner. He submits that in the backdrop of the fact as have now emerged on record, there is eminent threat to the life and liberty of the petitioner as time and again the petitioner is picked up by the Police for the purpose of harassment because of the proceeding which came to be entertained by the High Court.

6. Prima facie we are of the view that every citizen has a right to be disclosed of the grounds of his arrest before his arrest as held by the Apex Court in the case of Vihaan

Kumar Vs. The State of Haryana, reported in 2025 SCC OnLine SC 269. We, therefore, direct that before the petitioner is arrested by the Police authorities in any case, he shall be disclosed the grounds of arrest in writing.

7. Put up this case on 12.01.2026 as fresh before appropriate Bench along with Criminal Misc. Writ Petition No.25279 of 2025 (Awadhesh Mishra Vs. State of U.P. and 6 others).

8. Learned A.G.A. may obtain instructions in the matter before the next date fixed.

9. The petitioners shall file computer generated copy of this order alongwith a notary affidavit before the authority concerned, which shall be treated as certified copy of the present order."

5. On the matter being taken up, Mr. O.P. Singh, learned Senior Counsel for the petitioner submits that no FIR was lodged against the petitioner after the order dated 31.12.2025. We do not find any good reason to keep this writ petition pending. Accordingly, this writ petition shall stand finally disposed of but with the rider contained in paragraph 6 of the order dated 31.12.2025.

October 6, 2026
safi

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

Digitally signed by :-
MAHBOOB SAFI
High Court of Judicature at Allahabad