



HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. WRIT PETITION No. - 2582 of 2026

Lala Ram

.....Petitioner(s)

Versus

State Of Up And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Sanjay Kumar Pandey
Counsel for Respondent(s)	:	G.A.

Court No. - 47

HON'BLE RAJEEV MISRA, J.
HON'BLE LAKSHMI KANT SHUKLA, J.

1. Heard Mr. Sanjay Kumar Pandey, the learned counsel for petitioner and the learned AGA representing State-respondents 1, 2 and 3.

2. Perused the record.

3. Petitioner Lala Ram, has approached this Court by means of present Criminal Misc. Writ Petition challenging the FIR dated 17.01.2026 lodged by first informant/respondent no.4 Dharana Chauhan, Supply Inspector, Block Jaithara, P.S. Jasarathpur, Tehsil Aliganj, District Etah, and registered as Case Crime No. 0008 of 2026, under Sections 3/7 Essential Commodities Act, 1955, P.S. Jasarathpur, District Etah.

4. Learned counsel for the petitioner is challenging the impugned FIR and submits that the FIR has been lodged against the petitioner under Section 3/7 of the Essential Commodities Act. Referring to the judgment of Supreme Court in **Prakash Babu Raghuvanshi Vs. State of M.P., (2004) 7 Supreme Court Cases 490** as reaffirmed in **Manoj Vs. State of Maharashtra and Another, 2026 SCC OnLine SC 199**, learned counsel for the petitioner submits that no prosecution of an accused undertaken in Section 3/7 of the Essential Commodities Act, can be sustained as Section 3 is the enabling provision whereas Section 7 provides the period of sentence. It is next contended by learned counsel for petitioner that subsequent to the first information report dated 17.01.2026 impugned in the writ petition, the petitioner, who is a fair price shop dealer was placed under suspension. Petitioner has already submitted his reply to the show cause notice, he therefore, submits that in view of above criminal prosecution of the petitioner should be stayed till the conclusion of the aforementioned civil

proceedings, it is thus contended by learned counsel for petitioner that in view of above, the impugned FIR is liable to be quashed by this Ho'ble Court.

5. Per contra, learned AGA appearing for State-respondent nos.1, 2 and 3 has opposed the present writ petition. However he could not dislodge the factual and legal submission urged by the learned counsel for petitioner with reference to the record at this stage.

6. Having heard the learned counsel for petitioner, the learned AGA representing State-respondents 1, 2 and 3 and upon perusal of record, we find that matter requires consideration.

7. Notice on behalf of State-respondents 1, 2 and 3 has been accepted by the learned A.G.A.

8. Issue notice to first informant-respondent no.4.

9. Steps for service upon first informant-respondent no. 4 shall be taken by the learned counsel for petitioner within the time period prescribed under the Rules of Court.

10. All the respondents may file their respective counter affidavit within six weeks.

11. Petitioner will have 2 weeks' thereafter to file her rejoinder affidavits.

12. List this writ petition for admission on **15.04.2026** before appropriate Bench.

13. Considering the facts and circumstances of the case and also the submissions urged by the learned counsel for petitioner in support of this writ petition as noted herein above, as an interim measure, it is, hereby, provided that petitioner shall not be arrested in Case Crime No. 0008 of 2026, under Sections 3/7 Essential Commodities Act, 1955 by the next date fixed.

February 11, 2026
Prajapati RK

(Lakshmi Kant Shukla,J.) (Rajeev Misra,J.)