



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 3458 of 2026

Kusum And 5 Others

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Dinesh Kumar Yadav, Swati Anand
Counsel for Respondent(s)	:	G.A.

Court No. - 47

HON'BLE J.J. MUNIR, J.

HON'BLE TARUN SAXENA, J.

A reading of the FIR shows that the case of the petitioner is that the impugned FIR has been lodged in order to abuse the process of criminal law, as the first informant and the petitioners are co-sharers and an issue relating to partition is pending between them. The impugned FIR has been lodged in order to compel the petitioners to settle the dispute of partition between parties on terms disadvantageous to the petitioners.

The allegations in the FIR show a case of assault upon the informant's father-in-law. The injury report which has been produced before us by Mr. Ghan Shyam Kumar, learned AGA-I shows that neither the informant's father-in-law- Kanta nor the informant Nisha has sustained any injury and the medico-legal examination report that, is placed on record, shows "*no external injuries*".

A prima facie case is made out.

Admit.

Issue notice.

Notice on behalf of respondent nos. 1 & 2 is accepted by Mr. Ghan Shyam Kumar, learned AGA-I. He is granted two weeks' time to file a counter affidavit.

Steps to serve respondent no.3 shall be taken by RPAD within three days. Respondent no.3 will also have two weeks' time to file counter affidavit.

List for **orders** on **06.04.2026**, along with a report regarding service and the postal track attached.

The office also shall put in a report regarding status of affidavits.

Order on Criminal Misc. Stay Application

Issue notice.

Until further orders of this Court, the petitioners, to wit, **Kusum, Karishma, Kavita, Indrasan, Bittu and Dalbeer** shall not be arrested in Case Crime No. 0023 of 2026, under Sections 115 (2), 352, 351 (3), 333, 126 (2), 3(5) BNS, Police Station Jahanaganj, District Azamgarh.

Let this order be communicated to the Superintendent of Police, Azamgarh and the S.H.O., P.S. Jahanaganj District Azamgarh both through the learned Chief Judicial Magistrate, Azamgarh by the Registrar (Compliance) within 48 hours.

(Tarun Saxena,J.) (J.J. Munir,J.)

March 23, 2026
C. MANI