



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 4843 of 2026

Yogendra And 5 Others

.....Petitioner(s)

Versus

State Of Up And 2 Others

.....Respondent(s)

Counsel for Petitioner(s) : Shishir Kumar Tiwari
Counsel for Respondent(s) : G.A., Shashi Kumar Mishra

Court No. - 47

HON'BLE J.J. MUNIR, J.
HON'BLE TARUN SAXENA, J.

Order on Writ Petition.

An F.I.R., giving rise to Case Crime No. 269 of 2025 under Section 87 B.N.S., Police Station Nidhauri Kalan, District Etah was lodged by the prosecutrix's father saying that the prosecutrix, a resident of Police Station Akrabad, District Aligarh aged nineteen years was home alone on 27th November, 2025, when, at 1:30 p.m., the father reached home and found her absent. He launched a search for her but could not trace her whereabouts. He next said that Dev Sagar S/o Raghvendra had taken her away by blandishment and necessary proceedings be taken against Dev Sagar.

Challenging the said F.I.R., Criminal Misc. Writ Petition No. 5561 of 2026 was filed before this Court by the prosecutrix and Dev Sagar wherein the Court, after considering the record and the prosecutrix's age, issued notice and granted interim stay of arrest *vide* order dated 24.03.2026.

This F.I.R., of which we have spoken so far, was lodged on 30.11.2025.

Now, the impugned F.I.R. has been lodged on 23.01.2026 by Mr. Cheda Lal Advocate, Civil Court, Etah with a case that the prosecutrix, who was seventeen years old, was residing at his home and on 09.12.2025 at 5.00 p.m. Dev Sagar @ Deva S/o Raghvendra took her away by blandishment in order to marry her.

It is indeed surprising that the prosecutrix who had already eloped from her father's home was reported on a second elopement by the informant here who is an Advocate and claims to be a family member of the prosecutrix. The incident is one and has been artificially split into two First Information Reports in order to harass the prosecutrix and the man she has apparently married.

Dev Sagar and the prosecutrix have challenged the impugned F.I.R. by means of Criminal Misc. Writ Petition No. 5562 of 2026 wherein this Court has granted an interim stay of arrest on 24th March, 2026. The petitioners are relatives of Dev Sagar and are now facing arrest in connection with the same F.I.R. where the prosecutrix and Dev Sagar have been granted protection.

The impugned F.I.R. is *prima facie* an abuse of process of criminal law.

Connect with Criminal Misc. Writ Petition No. 5561 of 2026.

Admit.

Issue Notice.

Notice on behalf of respondent nos. 1 and 2 is accepted by Mr. Shashi Shekhar Tiwari, learned AGA. He is granted two weeks time to file a counter affidavit.

Steps to serve respondent no. 3 shall be taken by R.P.A.D. within four days next.

List for **orders** on **06.05.2026** along with a report regarding service and the postal track attached. A report regarding status of pleadings shall also be made by the office.

Order on Criminal Misc. Stay Application No. 1 of 2026.

Issue notice.

Until further orders of this Court, the petitioners, **Yogendra, Fanne Khan Dilar, Mahesh, Dinesh, Prakash** and **Kamini**, shall not be arrested in Case Crime No. 041 of 2026, under Sections 137(2), 87 and

61(2) BNS, Police Station- Kotwali Nagar, District- Etah.

The personal presence of the prosecutrix and Dev Sagar @ Deva is **exempted.**

Let this order be communicated to the Senior Superintendent of Police, Etah and the Station House Officer, Police Station- Kotwali Nagar, District- Etah through the learned Chief Judicial Magistrate, Etah by the Registrar (Compliance) **within 48 hours.**

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

April 16, 2026

Kumar Manish