



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 5586 of 2026

Smt. Nagma And Another

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s) : Chandra Shekhar Pal, Sunil Kumar Yadav

Counsel for Respondent(s) : G.A.

Court No. - 49

HON'BLE AJAY BHANOT, J.

HON'BLE TARUN SAXENA, J.

Shri Sunil Kumar Yadav, learned counsel for the petitioners contends that the petitioners are majors. They were intimate and have got married of their own free will and consent. The F.I.R. is a result of opposition of family members of the respondent no.3 to the aforesaid relationship. The F.I.R. is actuated by malafides and has been registered only to disrupt the matrimonial life of the young couple.

Learned counsel for the petitioners has relied upon a judgment of the Supreme Court rendered in **Salib @ Shalu @ Salim Vs State of U.P. and others** reported at **2023 SCC Online SC 947** wherein after taking note of the tendency among unscrupulous litigants to lodge false criminal cases it was held:

"26. At this stage, we would like to observe something important. Whenever an accused comes before the Court invoking either the inherent powers under Section 482 of the Code of Criminal Procedure (CrPC) or extraordinary jurisdiction under Article 226 of the Constitution to get the FIR or the criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstances the Court owes a duty to look into the FIR with care and a little more closely. We say so because once the complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance, etc., then he would ensure that the FIR/complaint is very well drafted with all the necessary pleadings. The

complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, it will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under Section 482 of the CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation. Take for instance the case on hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances the registration of multiple FIRs assumes importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged."

Matter needs consideration.

Issue notice to the respondent No.3.

Learned AGA for the State to file counter affidavit before the next date of listing.

The statements of the victim under Sections 180 and 183 of the B.N.S.S. shall also be produced in the counter affidavit.

Put up this matter on 28.04.2026 in the list of fresh cases before the appropriate Bench.

Till the next date of listing or till the filing of the police report U/S 173 Cr.P.C./ Section 193 BNSS, whichever is earlier, the arrest of the petitioners pursuant to the impugned first information report dated 26.02.2026 registered as Case Crime No.183 of 2026 under Section 137(2) of the B.N.S. at Police Station-Kankerkheda, District-Meerut, shall remain stayed.

The petitioners are directed to co-operate in the police investigation.

The counter affidavit on behalf of the State shall also disclose whether the petitioners have been co-operating in the police investigation or not.

It is clarified that this matter shall not be treated as part heard or tied up to this Bench.

(Tarun Saxena,J.) (Ajay Bhanot,J.)

March 17, 2026

Ashish Tripathi