



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 24185 of 2025

Awadhesh Mishra

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Shivajee Srivastava, Prashant Singh, Santosh Kumar Pandey
Counsel for Respondent(s)	: G.A., Arjit Srivastava, Usha Srivastava, Vinod Kumar Srivastava

Court No. - 44

HON'BLE J.J. MUNIR, J.

HON'BLE SANJIV KUMAR, J.

This Bench has been specially constituted today, it being a Sunday, on account of the urgency involved in the matter under orders of the Hon'ble The Chief Justice.

Heard Mr. Amrendra Nath Singh, learned Senior Advocate assisted by Mr. Prashant Singh and Mr. Santosh Kumar Pandey, learned Counsel for the petitioner, Mr. Vinod Kumar Srivastava, learned Counsel appearing on behalf of respondent No.5 and Mr. Deepak Mishra, learned A.G.A.-I, appearing on behalf of respondent Nos.1, 2 and 4.

The submission of the learned Counsel for the petitioner is that the impugned First Information Report (for short, 'the FIR') has been lodged *mala fide* at the instance of the Superintendent of Police, Farrukhabad, Arti Singh, because of orders passed by this Court on 09.10.2025 in Habeas Corpus Writ Petition No.854 of 2025, where registering the FIR on 11.10.2025 against the petitioner, who is an Advocate, the case that has been set up against him is that he demanded of the accused of Case Crime No.448 of 2020, a sum of Rs.5 lacs to make the prosecutrix of the said case testify in favour of the accused of the said Crime.

The submission is that this FIR, registered just two days after the orders, summoning the Superintendent of Police, were passed, is telltale of its *mala fide* nature and the action that followed is more telltale. The action based on the impugned FIR, that was taken on 11.10.2025 at 8.30 p.m., is detailed in paragraph Nos.16 and 17 of the writ petition, which say that

the Superintendent of Police raided the residence of the petitioner along with 100 constables, beat up the petitioner's wife, his son as also his servant, and damaged household effects.

Notice on behalf of respondent Nos.1, 2 and 4 is accepted by Mr. Deepak Mishra, learned Additional Government Advocate-I and that on behalf of respondent No.5 by Mr. Vinod Kumar Srivastava, learned Advocate. Both the learned Counsel are granted time until 29.10.2025 to file a counter affidavit.

A caveat has been lodged on behalf of respondent No.5, Ajay Chauhan, but when the case is called on, the learned Counsel, who had entered caveat, to wit, Mr. Arjit Srivastava and Ms. Usha Srivastava, Advocates are not present. However, Mr. Vinod Kumar Srivastava appears on his behalf. The said respondent is, therefore, represented.

Issue notice to respondent No.3, returnable on 29.10.2025 through the Chief Judicial Magistrate, Farrukhabad to be served upon her within 48 hours, indicating that this matter shall be taken as fresh again on 29.10.2025.

Lay as fresh again on **29.10.2025** along with a report regarding service from the learned Chief Judicial Magistrate attached. The office shall also put in a report regarding status of pleadings/ affidavits.

(Order on Criminal Misc. Stay Application No. Nil of 2025)

Let the application be numbered by the office.

Issue notice.

Till the next date of listing, the petitioner, **Awadhesh Mishra**, shall not be arrested in Case Crime No. 0271 of 2025, under Sections 55, 111(2), 230, 232, 248(b), 308(6), 61(2)(a), 351(3), 356(1) B.N.S., Police Station Kotwali Fatehgarh, District Farrukhabad.

The Registrar (Compliance) is directed to communicate this order to the Superintendent of Police, Farrukhabad and the Station House Officer, Police Station Kotwali Fatehgarh, District Farrukhabad through the learned Chief Judicial Magistrate, Farrukhabad forthwith.

(Sanjiv Kumar,J.) (J.J. Munir,J.)

October 19, 2025

Anoop/M.S. Ansari