



**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**APPLICATION U/S 482 No. - 42296 of 2024**

Ibrahim Alias Mohd Ibrahim And 3  
Others

.....Applicants

Versus

State of U.P. and  
Another

.....Opposite Parties

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Counsel for Applicants : Anjani Kumar Rai, Brijesh  
Kumar Mishra, Mashhood  
Abbas

Counsel for Opposite Parties : G.A.

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**Court No. - 82**

**HON'BLE PRAVEEN KUMAR GIRI, J.**

1. Learned counsel for the applicant submits that he has filed the instant application under Section 482 Cr.P.C. with the relief which has been mentioned in the prayer clause of the application.

2. The relief which has been mentioned in the application is delineated below:-

*"It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to quashed the entire criminal proceeding as well as impugned charge sheet no. A52 of 2024 dated 12.02.2024 as well as Cognizance/summoning order dated*

*02.08.2024 passed Icon by Learned Chief Judicial Magistrate Azamgarh in Criminal Case no. 6775 of 2024 (State Vs. Hibzur Rahaman and others) arising out of case crime no. 05 of 2024 under section 427 & 506 I.P.C. Police Station Saraimeer, District Azamgarh, pending in the court of Learned Chief Judicial Magistrate, Azamgarh.*

*It is further prayed that this Hon'ble Court may graciously be pleased to stay the entire proceeding of Criminal Case no. 6775 of 2024 (State Vs. Hibzur Rahaman and others) arising out of case crime no. 05 of 2024 under section 427 & 506 I.P.C. Police Station Saraimeer, District Azamgarh, pending in the court of Learned Chief Judicial Magistrate, Azamgarh. And/or pass such other and further order which this Hon'ble Court may deem fit and proper under the circumstances of the present case, otherwise the applicants shall suffer irreparable loss and injury."*

3. Learned counsel for the applicants submits that on the written complaint of O.P. no.2 in respect of offence of threatening to take possession of the shop of O.P. no.2 and also threatening to commit loot of the items kept in the shop, the impugned FIR has been registered. He submits that further allegation in the FIR is that the applicants have damaged the items kept in the shop as well as shutter gate of the shop. He further submits that as per allegation mentioned in the FIR, registered under Section 154 Cr.P.C. cannot be lodged as the offences are punishable upto 2 years and non-cognizable, therefore, a Non-Cognizable Report should have been lodged under Section 155(1) Cr.P.C. For ready

reference, the relevant portions of FIR dated 05.01.2024 are being pasted below :-

48

N.C.R.B (एन.सी.आर.बी)  
I.I.F (नॉन फॉर्म -I)

FIRST INFORMATION REPORT  
(Under Section 154 Cr.P.C.)  
प्रथम सूचना रिपोर्ट  
(धारा 154 दंड प्रक्रिया संहिता के तहत)

1. District (ज़िला): आजमगढ़  
FIR No. (प्र.सू.रि. सं.): 0005  
P.S. (थाना): सरायमीर  
Year (वर्ष): 2024  
Date & Time of FIR (प्र.सू.रि. की दिनांक/समय): 05/01/2024 17:08 बजे

| S.No. (क्र.सं.) | Acts (अधिनियम) | Sections (धाराएं) |
|-----------------|----------------|-------------------|
| 1               | भा द सं 1860   | 427               |
| 2               | भा द सं 1860   | 506               |

3. (a) Occurrence of offence (अपराध की घटना):  
1. Day (दिन): रविवार  
Time Period (समय अवधि): पहर 1  
Date From (दिनांक से): 31/12/2023  
Time From (समय से): 00:00 बजे  
Date To (दिनांक तक): 31/12/2023  
Time To (समय तक): 00:00 बजे  
(b) Information received at P.S. (थाना जहां सूचना प्राप्त हुई):  
Date (दिनांक): 05/01/2024  
Time (समय): 17:08 बजे  
(c) General Diary Reference (रोजनामचा संदर्भ):  
Entry No. (प्रविष्टि सं.): 036  
Date & Time (दिनांक और समय): 05/01/2024 17:08 बजे

4. Type of Information (सूचना का प्रकार): लिखित  
5. Place of Occurrence (घटनास्थल):  
1. (a) Direction and distance from P.S. (थाना से दूरी और दिशा): दक्षिण, 1 किमी  
(b) Address (पता): कस्बा सरायमीर  
(c) In case, outside the limit of this Police Station, then (यदि थाना सीमा के बाहर है तो):  
Name of P.S. (थाना का नाम):  
District (State) (ज़िला (राज्य)):  
Beat No. (बीट नं.):

6. Complainant / Informant (शिकायतकर्ता/सूचनाकर्ता):  
(a) Name (नाम): अब्दुल्लाह  
(b) Father's Name (पिता का नाम): मोईनुद्दीन  
(c) Date/Year of Birth (जन्म तिथि / वर्ष): 1978  
(d) Nationality (राष्ट्रियता): भारत  
(e) UID No. (यूआईडी सं.):  
(f) Passport No. (पासपोर्ट सं.):  
Date of Issue (जारी करने की तिथि):  
Place of Issue (जारी करने का स्थान):  
(g) Id details (Ration Card, Voter ID Card, Passport, UID No., Driving License, PAN)  

| S.No. (क्र.सं.) | Id Type (पहचान पत्र का प्रकार) | Id Number (पहचान संख्या) |
|-----------------|--------------------------------|--------------------------|
| 1               |                                |                          |

  
(h) Address (पता):  

| S.No. (क्र.सं.) | Address Type (पता का प्रकार) | Address (पता)                               |
|-----------------|------------------------------|---------------------------------------------|
| 1               | वर्तमान पता                  | हसनपुर, सरायमीर, आजमगढ़, उत्तर प्रदेश, भारत |
| 2               | स्थायी पता                   | हसनपुर, सरायमीर, आजमगढ़, उत्तर प्रदेश, भारत |

आदेश  
महोदय  
1

अब्दुल्लाह पुत्र मोईनुद्दीन  
नाकिन हसनपुर, थाना-सरायमीर  
तनपद आजमगढ़।  
9415859520  
37/1/24

ASHARAF  
Reg. No.  
OATH  
SI No. 673  
Date 11/2

49

N.C.R.B (एन.सी.बी.)  
I.I.F.-1 (एकीकृत नॉन फॉर्म)

(i) Occupation (व्यवसाय):

(j) Phone number (दूरभाष सं.):

Mobile (मोबाइल सं.): 91-9415859570

7. Details of known/suspected/unknown accused with full particulars  
(जैति / संदिग्ध / अज्ञात अभियुक्त का पूरे विवरण सहित वर्णन):  
Accused More Than (अज्ञात आरोपी एक से अधिक हों तो संख्या):

| S.No.(क्र. सं.) | Name (नाम) | Alias (उपनाम) | Relative's Name (रिश्तेदार का नाम) | Present Address (वर्तमान पता)                  |
|-----------------|------------|---------------|------------------------------------|------------------------------------------------|
| 1               | हिबजुरहमान |               | पिता का नाम : असफाक अहमद           | 1. हसनपुर, सरायमीर, आजमगढ़, उत्तर प्रदेश, भारत |
| 2               | जीशान      |               | पिता का नाम : असफाक अहमद           | 1. हसनपुर, सरायमीर, आजमगढ़, उत्तर प्रदेश, भारत |
| 3               | अबुजर      |               | पिता का नाम : असफाक अहमद           | 1. हसनपुर, सरायमीर, आजमगढ़, उत्तर प्रदेश, भारत |
| 4               | इब्राहिम   |               | पिता का नाम : असफाक अहमद           | 1. हसनपुर, सरायमीर, आजमगढ़, उत्तर प्रदेश, भारत |

8. Reasons for delay in reporting by the complainant/informant (शिकायतकर्ता / सूचनाकर्ता द्वारा रिपोर्ट देरी से दर्ज कराने के कारण):

9. Particulars of properties of interest (संबन्धित सम्पत्ति का विवरण):

| S.No. (क्र. सं.) | Property Category (संपत्ति श्रेणी) | Property Type (सम्पत्ति का प्रकार) | Description (विवरण) | Value (In Rs/-) (रु में) |
|------------------|------------------------------------|------------------------------------|---------------------|--------------------------|
|------------------|------------------------------------|------------------------------------|---------------------|--------------------------|

10. Total value of property (In Rs/-)-सम्पत्ति का कुल मूल्य(रु में):

11. Inquest Report / U.D. case No., if any (मृत्यु समीक्षा रिपोर्ट / यू.डी. प्रकरण सं., यदि कोई हो):

| S.No. (क्र. सं.) | UIDB Number (यू.डी. प्रकरण सं.) |
|------------------|---------------------------------|
|------------------|---------------------------------|

12. First Information contents (प्रथम सूचना तथ्य):  
नकल तहरीर टाईप शुदा शिओप्र0..... सेवा में, श्रीमान् वरिष्ठ पुलिस अधीक्षक महोदय, जनपद- आजमगढ़ महोदय, निवेदन है कि प्रार्थी अब्दुल्लाह पुत्र मोईनुद्दीन निवासी साकिन हसनपुर, थाना सरायमीर, जनपद आजमगढ़ का निवासी है। प्रार्थी एवं उसके भाईयो के नाम से कब्जा सरायमीर में दुकान व मकान है, जिसमें प्रार्थी एवं उसके भाई अपना कारोबार करते हैं। प्रार्थी के पट्टीदार हिबजुरहमान, जीशान, अबुजर, इब्राहिम पुत्रगण असफाक अहमद जो की काफी सरकस, मनबढ़ किस्म के व्यक्ति हैं, पट्टीदारी की रंजिश को लेकर प्रार्थी के ताला बंद दुकान में अलग से बागैर किसी अदालत के आदेश के अपना ताला बंद कर दिए। प्रार्थी द्वारा थाना सरायमीर में प्रार्थना पत्र दिया गया जिस पर प्रभारी निरीक्षक सरायमीर द्वारा जांच कराई गयी एवं दोनों पक्षों को थाने में बुलाकर सुलहनामा लिखवाया गया कि विपक्षीगण अपना ताला खोल ले जब तक अदालत में मामला विचाराधीन है तब प्रार्थी के कब्जे में किसी प्रकार का हस्तक्षेप न करें। जिसके बाद हिबजुरहमान आदि अपना बाहर से बंद ताला खोल दिए। दिनांक 31 दिसंबर 2023 को जीशान आदि ने एक साथ, एक राय होकर गोल बनाकर प्रार्थी की दुकान पर अपने साथ घाना, हथौड़ा व रंबल लेकर चढ़ आये और प्रार्थी की दुकान में रखे फर्नीचर व शटर घाना, हथौड़ा आदि से मारकर तोड़ दिए और अंदर घुसकर प्रार्थी के दुकान की सभी सामान व शटर को क्षतिग्रस्त कर दिए। जिससे प्रार्थी के लाखों रुपये का कीमती सामान नष्ट हो गया। मुल्जिमानों का आतंक इस कदर था कि अगल बगल के लोग तमाशा देखते रह गए। किसी की हिम्मत नहीं हुए और मुल्जिमान सभी सामान व शटर को नष्ट करके चले गए। थाना स्थानीय को जानकारी होने पर दोनों पक्षों का चालान अंतर्गत धारा 107, 116, 151 में किया गया। दोनों पक्ष अपनी अपनी जमानत करवा लिए हैं। सके बावजूद भी अभियुक्तगण का मनोबल काफी बढ़ा हुआ है। प्रार्थी की दुकान को कब्जा करने तथा उसमें रखे सभी सामान को जबरजस्ती लूटने की धमकी दे रहे हैं। क्योंकि शटर तोड़ने से उसमें ताला बंद नहीं हो सकता, तथा प्रार्थी को उक्त दुकान में अपना कारोबार व व्यवसाय नहीं करने दे रहे हैं जिससे प्रार्थी व उसका परिवार भयभीत है। दुकान में सभी सामान व सटर क्षतिग्रस्त अवस्था में आज भी पड़ी हुआ है। अतः श्रीमान् से प्रार्थना है कि थाना प्रभारी सरायमीर को आदेशित करने की कृपा करें कि वह मौके का निरीक्षण क प्रार्थी के दुकान पर प्रार्थी को कब्जा पूर्ववत् कराने क कृपा करें एवं सभी मुल्जिमान के खिलाफ कड़ी से कड़ी कार्यवाही करने की कृपा करें, ताकि प्रार्थी के साथ न्याय हो सके। ह0 उर्दू अपठनीय प्रार्थी अब्दुल्लाह पुत्र मोईनुद्दीन साकिन हसनपुर, थाना सरायमीर जनपद आजमगढ़ 9451859570 दिनांक 03.01.2024 मुहर शिकायत प्रकोष्ठ क्र0सं0 5 दिनांक 3.1.24 प्र0नि0 सरायमीर 20019124000111 HM/CM प्रथम सूचना रिपोर्ट दर्ज करें। SD SHO 05/01/24 नोट- मैं हे0का0 अजय कुमार प्रमाणित करता हूँ कि तहरीर की नकल अक्षरशः अंकित किया गया है।

2

4. For ready reference, provisions of Section 427 (corresponding section 324(4) BNS) and 506 IPC (corresponding section 351(2) and (3) BNS) and the First Schedule classification of offences in respect of Section 427 and 506 IPC and Sections 154 Cr.P.C. (corresponding

section 173 BNSS) and 155 Cr.P.C. (corresponding section 174 BNSS) are delineated below :-

**Section 427 of IPC (corresponding section)-**Mischief causing damage to the amount of fifty rupees-Whoever commits mischief and thereby causes loss or damage to the amount of fifty rupees or upwards, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

**Classification under schedule 1 CrPC**

| Offence                                                                    | Punishment              |                |  |
|----------------------------------------------------------------------------|-------------------------|----------------|--|
| Mischief, and thereby causing damage to the amount of 50 rupees or upwards | 2 Years or Fine or Both |                |  |
| Cognizance                                                                 | Bail                    | Triable By     |  |
| Non-Cognizable                                                             | Bailable                | Any Magistrate |  |

X X X X

**Section 506 of IPC (corresponding section )** **Punishment for criminal intimidation-**Whoever commits the offence of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both;

**If threat be to cause death or grievous hurt, etc** — and if the threat be to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or imprisonment for life, or with imprisonment for a term which may extend to seven years, or to impute unchastity to a woman, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

**Classification under schedule 1 CrPC**

| Offence                                               | Punishment                 |                     |       |
|-------------------------------------------------------|----------------------------|---------------------|-------|
| 1. Criminal intimidation                              | 1. 2 Years or Fine or Both |                     |       |
| 2. If threat be to cause death or grievous hurt, Etc. | 2. 7 Years or Fine or Both |                     |       |
| Cognizance                                            | Bail                       | Triable By          |       |
| 1. Non-Cognizable                                     | 1. Bailable                | 1. Any Magistrate   |       |
| 2. Non-Cognizable                                     | 2. Bailable                | 2. Magistrate Class | First |

X X X X

**Section 154 Cr.P.C. (corresponding section 173 BNSS) Information in cognizable cases-**(1) Every information relating to the commission of a cognizable offence, if given orally to an officer in charge of a police station, shall be reduced to writing by him or under his direction, and be read over to the informant; and every such information, whether given in writing or reduced to writing as aforesaid, shall be signed by the person giving it, and the substance thereof shall be entered in a book to be kept by such officer in such form as the State Government may prescribe in this behalf.

**Provided** that if the information is given by the woman against whom an offence under section 326A, section 326B, section 354, section 354A, section 354B, section 354C, section 354D, section 376, section 376A, section 376AB, section 376B, section 376C, section 376D, section 376DA, section 376DB, section 376E or section 509 of the Indian Penal Code is alleged to have been committed or attempted, then such information shall be recorded, by a woman police officer or any woman officer;

**Provided further** that—

(a) in the event that the person against whom an offence under section 354, section 354A, section 354B, section 354C, section 354D, section 376, section 376A, section 376AB, section 376B, section 376C, section 376D, section 376DA, section 376DB, section 376E or section 509 of the Indian Penal Code is alleged to have been committed or attempted, is temporarily or permanently mentally or physically disabled, then such information shall be recorded by a police officer, at the residence of the person seeking to report such offence or at a convenient place of such person's choice, in the presence of an interpreter or a special educator, as the case may be;

(b) the recording of such information shall be video graphed;

(c) the police officer shall get the statement of the person recorded by a Judicial Magistrate under clause (a) of sub-section (5A) of section 164 as soon as possible.

*(2) A copy of the information as recorded under Sub-Section (1) shall be given forthwith, free of cost, to the informant.*

*(3) Any person, aggrieved by a refusal on the part of an officer in charge of a police station to record the information referred to in Sub-Section (1) may send the substance of such information, in writing and by post, to the Superintendent of Police concerned who, if satisfied that such information discloses the commission of a cognizable offence, shall either investigate the case himself or direct an investigation to be made by any police officer subordinate to him, in the manner provided by this Code, and such officer shall have all the powers of an officer in charge of the police station in relation to that offence.*

**Section 155 Cr.P.C. (corresponding section 174 BNSS) Information as to non-cognizable cases and investigation of such cases-(1)**  
*When information is given to an officer in charge of a police station of the commission within the limits of such station of a non-cognizable offence, he shall enter or cause to be entered the substance of the information in a book to be kept by such officer in such form as the State Government may prescribe in this behalf, and refer, the informant to the Magistrate.*

*(2) No police officer shall investigate a non-cognizable case without the order of a Magistrate having power to try such case or commit the case for trial.*

*(3) Any police officer receiving such order may exercise the same powers in respect of the investigation (except the power to arrest without warrant) as an officer in charge of a police station may exercise in a cognizable case.*

*(4) Where a case relates to two or more offences of which at least one is cognizable, the case shall be deemed to be a cognizable case, notwithstanding that the other offences are non-cognizable.*

5. Learned counsel for the applicants submits that the police has registered an FIR against the provisions of Code of Criminal Procedure. He

further submits that after investigation, the Investigating Officer has submitted chargesheet under section 427, 506 IPC on 12.02.2024. He further submits that the informant in his statement has mentioned that the accused applicant was threatening to kill O.P. no.2 and the same is development as it has not been mentioned in the version of FIR. He further submits that in this case FIR has been lodged under section 506 IPC but there is no such averment regarding threatening to cause death of any person including O.P. no.2, therefore, only Non Cognizable Report should have been lodged against the applicant.

6. The learned counsel for the applicants submits that as per decision of Hon'ble Supreme Court in **Om Prakash Ambadkar vs. State of Maharashtra and others, 2025 INSC 139**, no offence of section 506 IPC is made out. Hon'ble Supreme Court in the matter of **Om Prakash Ambadkar vs. State of Maharashtra and others, 2025 INSC 139** passed a judgment on 16.01.2025 taking reference of its earlier decision in **Mohammad Wajid and another vs. State of U.P. and others, (Criminal Appeal no.2340/2023** decided on August 8, 2023) has held in paragraphs 18 and 19 as under :-

*18. A two-Judge Bench of this Court, speaking through one of us, J.B. Pardiwala, Justice, in its decision in **Mohammad Wajid & Anr. v. State of U.P. & Ors.** (Criminal Appeal No. 2340/2023 decided on August 8, 2023) explained what constitutes an offence of criminal intimidation. We quote the relevant paragraphs from the said decision as under:-*

*"23. Chapter XXII of the IPC relates to Criminal Intimidation, Insult and Annoyance.*

*Section 503 reads thus:-*

*“Section 503. Criminal intimidation. — Whoever threatens another with any injury to his person, reputation or property, or to the person or reputation of any one in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threat, commits criminal intimidation.*

*Explanation.—A threat to injure the reputation of any deceased person in whom the person threatened is interested, is within this section.*

*Illustration*

*A, for the purpose of inducing B to resist from prosecuting a civil suit, threatens to burn B’s house. A is guilty of criminal intimidation.”*

*Section 504 reads thus:—*

*“Section 504. Intentional insult with intent to provoke breach of the peace.—Whoever intentionally insults, and thereby gives provocation to any person, intending or knowing it to be likely that such provocation will cause him to break the public peace, or to commit any other offence, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.”*

*Section 506 reads thus:—*

*“Section 506. Punishment for criminal intimidation.— Whoever commits, the offence of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both;*

*If threat be to cause death or grievous hurt, etc.— And if the threat be to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or imprisonment for life, or with imprisonment for a term which may extend to seven years, or to impute unchastity to a woman, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.”*

24. *An offence under Section 503 has following essentials:—*

1) *Threatening a person with any injury;*

*(i) to his person, reputation or property; or*

*(ii) to the person, or reputation of any one in whom that person is interested.*

2) *The threat must be with intent;*

*(i) to cause alarm to that person; or*

*(ii) to cause that person to do any act which he is not legally bound to do as the means of avoiding the execution of such threat; or*

*(iii) to cause that person to omit to do any act which that person is legally entitled to do as the means of avoiding the execution of such threat.*

25. *Section 504 of the IPC contemplates intentionally insulting a person and thereby provoking such person insulted to breach the peace or intentionally insulting a person knowing it to be likely that the person insulted may be provoked so as to cause a breach of the public peace or to commit any other offence. Mere abuse may not come within the purview of the section. But, the words of abuse in a particular case might amount to an intentional insult provoking the person insulted to commit a breach of the public peace or to commit any other offence. If abusive language is used intentionally and is of such a nature as would in the ordinary course of events lead the person insulted to break the peace or to commit an offence under the law, the case is not taken away from the purview of the Section merely because the insulted person did not actually break the peace or commit any offence having exercised self control or having been subjected to abject terror by the offender. In judging whether particular abusive language is attracted by Section 504, IPC, the court has to find out what, in the ordinary circumstances, would be the effect of the abusive language used and not what the complainant actually did as a result of his peculiar idiosyncrasy or cool temperament or sense of discipline. It is the ordinary general nature of the abusive language that is the test for considering whether the abusive language is an intentional insult likely to provoke the person insulted to commit a breach of the peace and not the particular conduct or temperament of the complainant.*

26. *Mere abuse, discourtesy, rudeness or insolence, may not amount to an intentional insult within the meaning of Section 504, IPC if it does not have the*

*necessary element of being likely to incite the person insulted to commit a breach of the peace of an offence and the other element of the accused intending to provoke the person insulted to commit a breach of the peace or knowing that the person insulted is likely to commit a breach of the peace. Each case of abusive language shall have to be decided in the light of the facts and circumstances of that case and there cannot be a general proposition that no one commits an offence under Section 504, IPC if he merely uses abusive language against the complainant. In King Emperor v. Chunnibhai Dayabhai, (1902) 4 Bom LR 78, a Division Bench of the Bombay High Court pointed out that:—*

*“To constitute an offence under Section 504, I.P.C. it is sufficient if the insult is of a kind calculated to cause the other party to lose his temper and say or do something violent. Public peace can be broken by angry words as well as deeds.”*

*27. A bare perusal of Section 506 of the IPC makes it clear that a part of it relates to criminal intimidation. Before an offence of criminal intimidation is made out, it must be established that the accused had an intention to cause alarm to the complainant.*

*28. In the facts and circumstances of the case and more particularly, considering the nature of the allegations levelled in the FIR, a prima facie case to constitute the offence punishable under Section 506 of the IPC may probably could be said to have been disclosed but not under Section 504 of the IPC. The allegations with respect to the offence punishable under Section 504 of the IPC can also be looked at from a different perspective. In the FIR, all that the first informant has stated is that abusive language was used by the accused persons. What exactly was uttered in the form of abuses is not stated in the FIR. One of the essential elements, as discussed above, constituting an offence under Section 504 of the IPC is that there should have been an act or conduct amounting to intentional insult. Where that act is the use of the abusive words, it is necessary to know what those words were in order to decide whether the use of those words amounted to intentional insult. In the absence of these words, it is not possible to decide whether the ingredient of intentional insult is present.”*

**19.** *Applying the principles as explained aforesaid, we are of the view that none of the ingredients to*

*constitute the offence punishable under Sections 504 and 506 of the IPC respectively are borne out.*

7. Until further orders of this Court, the proceedings of Criminal Case no. 6775 of 2024 (State Vs. Hibzur Rahaman and others) arising out of case crime no. 05 of 2024 under section 427 & 506 I.P.C. Police Station Saraimeer, District Azamgarh, pending in the court of Learned Chief Judicial Magistrate, Azamgarh, shall be kept in abeyance.

8. In the meantime, O.P. 2 shall also file counter affidavit.

9. List this case on 08.01.2026 as fresh for further hearing.

10. Senior Superintendent of Police, Azamgarh is directed to look into the matter and submit a report as to whether an FIR or an NCR should be registered, on the facts which have been mentioned in the FIR. Otherwise also, as per Article 21 of the Constitution of India, no person shall be deprived of their life or personal liberty except in accordance with the **procedure established by law**.

11. Learned A.G.A. Sri Pankaj Kumar Tripathi shall obtain instructions from the Senior Superintendent of Police, Azamgarh, and also Station House Officer, P.S.Saraimeer by 08.01.2026.

**(Praveen Kumar Giri,J.)**

**December 12, 2025**

Manish Himwan