



**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. WRIT PETITION No. - 1393 of 2026

Akbar Ali

.....Petitioner(s)

Versus

State Of U.P. Thru. Secy. Home Deptt. Lko.
And Others

.....Respondent(s)

Counsel for Petitioner(s) : Naved Alam, Bhanu Pratap Singh,
Naveen Awasthi, Prateek Mishra

Counsel for Respondent(s) : G.A.

Court No. - 11

HON'BLE ABDUL MOIN, J.

HON'BLE PRAMOD KUMAR SRIVASTAVA, J.

1. Heard learned counsel for the petitioner and learned AGA for State-respondents.
2. The FIR, impugned is an instance of the "movies scripts", which are repeatedly finding place in the FIRs being lodged by the respondent-authorities.
3. The reasons why we say this are being elucidated below-
4. The impugned FIR No. 13, dated 22.01.2026 has been lodged at Police Station Jarwal Road, District Bheraich, under Sections 325, 109(1) of the BNS of 2023, Section 25, 4 and 4 of the Arms Act and Sections 3, 5 and 8 of the U.P. Prevention of Cow Slaughter Act, 1955.
5. Perusal of the impugned FIR, which has been lodged at 14:24 hours (02.24 p.m.) on 22.01.2026, reveals that the date of incident has been indicated as 10:45 hours (10.45 a.m.) on 22.01.2026 itself and the time period indicated is "Pahar Chaar".
6. From perusal of FIR, it emerges that the police party was approached by a Mukhbir Khas indicating that slaughter of progeny of cow has taken place and persons involved in the same are

intending to dispose of the meat. The police party is said to have approached the spot where the said offence is alleged to have taken place, by the Mukhbir khas. Upon approaching, the police party heard some voices saying "Ujala hone wala hai". The police party is said to have yelled out to the persons that they have been surrounded by the police and should surrender, to which, the accused persons have responded that as the police is there, therefore, none of the police personnel should survive (Yeh... police wale hain, inko goli maro, bachkar nahin jaane chahiye). The police is said to have fired upon the accused, of which one of them yelled out that he has been shot (hai goli lag gai). Thereafter, the police personnel are said to have caught hold of three persons, of which the 4th person ran away. The arrested three persons named the petitioner as having been involved in the offences under the Act, 1955. Further, the police personnel have taken possession of the material on the spot including weapons and thereafter the FIR has been lodged.

7. Why we indicate that the entire FIR reads like a movies script is that the FIR is being lodged on 22.01.2026 at 14:24 hours, the incident is said to be of 10:45 hours of the same day and the FIR indicates of the persons being arrested indicating "Ujala hone wala hai" (it is about to be dawn). Thus, in case, the incident is said to have taken place at 10:45 hours and obviously must be because the FIR mentions so, it is not understood as to how at 10:45 hours, the dawn is still to break!! This blatant incongruity in the FIR itself reflects the patent abuse of law at the behest of the authorities rendering the FIR as capable of being quashed.

8. However, we may also note that the FIR uses a popular dialogue of movies i.e. "Tum log police se ghir chuke ho, Aatm Samaran kar do". The accused persons are yelling out "Hai goli lag gai" etc.

9. Time and again this Court has pointed out that the language being used in the FIRs does not reflect the ground position, rather appears to be hearsay, scripted and appears to be heavily

borrowed from the movie scripts and is fanciful and highly exaggerated. Time has come for the Courts to now step-in and put a check to the fanciful and highly exaggerated FIRs which are being lodged by the authorities, of which the case in hand is a blatant example.

10. In this regard, it would be apt to refer to the judgment of Hon'ble Apex Court in the case of **State of Haryana vs. Bhajan Lal**, reported in **1992 Supp (1) SCC 335**, wherein Hon'ble Apex Court has categorically laid down as to when the extraordinary power under Article 226 of the Constitution of India will have to be exercised to prevent the abuse of the process of any Court or otherwise to secure the ends of justice wherein one of the kinds of cases where such powers should be exercised have been indicated as where the allegations made in the FIR are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

11. For the sake of convenience, relevant observations of Hon'ble Apex Court in the case of **Bhajan Lal (supra)** are reproduced below:-

"(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused."

12. As already indicated above, the allegations as levelled in the FIR are fanciful and *prima facie* absurd and inherently improbable as detailed above.

13. Considering the aforesaid, this Court requires the Superintendent of Police, District Bahrach to file his personal affidavit replying to the aforesaid incongruities that emerge from bare perusal of the FIR. The personal affidavit be filed within two weeks.

14. List this case on 16.03.2026.

15. In case, the personal affidavit is not filed, the Superintendent of Police, District Bahraich shall appear in person alongwith the record to assist the Court on the next date of listing.

16. Till then, no coercive action shall be taken against the petitioner pursuant to the impugned FIR.

**February 16,
2026**

kkv/

(Pramod Kumar Srivastava,J.) (Abdul Moin,J.)