



**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. WRIT PETITION No. - 713 of 2026

Anuradha Singh And Others

.....Petitioner(s)

Versus

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

.....Respondent(s)

Counsel for Petitioner(s) : Vijai Shankar Tripathi
Counsel for Respondent(s) : G.A., Aniket Srivastav

Court No. - 9

**HON'BLE RAJESH SINGH CHAUHAN, J.
HON'BLE RAJEEV BHARTI, J.**

1. Heard.

2. This Court has passed order dated 16.2.2026 which reads as under :

"1. Heard.

2. This Court has passed the order dated 30.01.2026, which reads as under:-

"1. Heard Sri V.S. Tripathi, learned counsel for the petitioners and Sri S.P. Singh, learned AGA for the State, who has provided instructions in the matter, same is taken on record.

2. One Counsel Sri Aniket Srivastava is caveator for opposite party no. 6, however, he is neither present nor any request for adjournment has been made.

3. By means of this petition the petitioners have prayed following relief :

"i. a writ or writs, order or orders and/or direction or directions in the nature of Certiorari quashing the impugned order dated 20.12.2025 passed by Special Judge, S.C./S.T. Act, Lucknow in case no. 5113/2025 (Sujeet Kr. Balmiki vs Anuradha Singh & Ors) filed and contained in Annexure No. 1 hereinabove after summoning the original of the same.

ii. a writ or writs, order or orders and/or direction or directions in the nature of Certiorari quashing the first information report dated 23.12.2025 lodged by complainant Sujeet Kumar Valmiki / Opposite Party No.6 against the petitioner in being FIR No. 0334 of 2025, dated 23.12.2025, at Police Station Wazirganj, Lucknow, under Sections 115(2), 352, 324(4) BNS and Sections 3(1)(d), 3(1)(g) and 3(2)(va) of the SC/ST (Prevention of Atrocities) Act, 1989 through 174(3) BNSS, 2023 filed and contained in Annexure No. 2 hereinabove after summoning the original of the same.

iii. writ or writs, order or orders and/or direction or directions in the nature of Mandamus, staying the arrest of the petitioners and commanding and directing the opposite party no 2, 3 and 5 that no coercive

steps be taken against the petitioner pursuant to FIR No. 0334/2025, filed and contained in Annexure No.2 hereinabove during pendency of the above noted writ petition;

4. Petitioner no. 1 and 2 are the practicing Advocate of this Court and petitioner no. 3 is mother of petitioner no. 2.

5. The opposite party no. 6 is also a practicing Advocate at Sessions Court, Lucknow.

6. Learned counsel for the petitioners has stated that the opposite party no. 6 is junior of one Sri Shravan Kumar, Advocate who has constructed his illegal chamber near the residence of the petitioners and in the evening time they used to act in an illegal manner by misbehaving other persons under the influence of liquor. The peaceful life of the petitioners and other who reside nearby is being disturbed, therefore, one petition has been filed by the petitioners no. 1 and 2 bearing Criminal Misc. Writ Petition No. 9702 of 2025 wherein this Court passed two orders on 3.11.2025 and 17.11.2025. As a counterblast and misusing his position as an Advocate the opposite party no. 6 lodged the F.I.R. on 23.12.2025 by filing an application u/s 175(3) BNSS. The aforesaid application has been filed on 15.11.2025 for the alleged incident dated 30.8.2025 without explaining the delay properly. Learned counsel has stated that the Special Judge, SC/ST Act, Lucknow has passed an order dated 20.12.2025 on such application without verifying the allegations carefully as to whether any offence under sections of SC/ST Act has been committed or not. Therefore, Sri Tripathi has stated that the order of the Special Judge (SC/ST Act) concerned dated 20.12.2025 is absolutely without application of mind.

7. Sri Tripathi has shown the conversation of the opposite party no. 6 and the petitioners dated 30.8.2025 to show that even if that conversation is taken on its face value no offence under sections of SC/ST Act is prima-facie is made out. However, without considering that relevant aspect the court concerned passed order dated 20.12.2025 to register F.I.R. against the petitioners within 24 hours.

8. Sri Tripathi has shown the Annexure no. 3 which is a F.I.R. dated 4.9.2025 for the incident dated 30.8.2025 wherein the petitioner no. 1 is the informant and the accused persons are senior of the opposite party no. 6 and other persons who had come by Car No. UP32 EU 7348. In the aforesaid case investigation has been completed and charge-sheet has been filed against Shravan Kumar, senior of the opposite party no. 6, Sujeet Kumar Valmiki (opposite party no. 6) and also against one Udaibhan Mishra who is client of Shravan Kumar, Advocate on 14.12.2025 u/s 296, 351(2) and 74 BNS. The photocopy of the charge-sheet has been shown to the Court by the learned counsel for the petitioners.

9. Learned counsel for the petitioner has stated that the prosecution story, so narrated in the impugned F.I.R. is highly improbable inasmuch as all the petitioners are female and were not having any weapon in their hand on the date of incident except their mobiles but false allegations have been levelled against them to assault by bamboo cane.

10. In the impugned F.I.R. the opposite party no. 6 has indicated the date of incident as 30.8.2025 whereas in the incident dated 30.8.2025 the F.I.R. of the petitioners has already been lodged on 4.9.2025, therefore, the opposite party no. 6 has lodged the F.I.R. misleading the court by filing misconceived

application u/s 175(3) BNSS and the court concerned has not carefully verified the allegations and directed to lodge the F.I.R.

11. Since the matter requires consideration, therefore, the version of Investigating Officer and opposite party no. 6 would be considered on the next date and this matter may be treated as part heard matter.

12. Let the counter affidavit be filed in two weeks.

13. List on 16.2.2026.

14. Until further orders of the Court no coercive steps of any kind whatsoever may be taken against the petitioners pursuant to the impugned F.I.R.

15. On the next date i.e. 16.2.2026 the Investigating Officer i.e. A.C.P., Kakori and the informant i.e. opposite party no. 6 shall appear in person before the Court.

16. Learned AGA shall intimate this order to the Investigating Officer and the Investigating Officer shall intimate the next date to opposite party no. 6 and shall ensure his presence before the Court failing which any coercive order may be passed on the next date. 17. Let a copy of this order be provided to District & Sessions Judge, Lucknow, District Magistrate, Lucknow and Municipal Commissioner, Lucknow to submit report, particularly on the point as to whether the chamber occupied by opposite party no. 6."

3. Today, Sri Shakeel Ahmad, presently posted as ACP, Kakori, Lucknow is present in person alongwith short counter affidavit, the same is taken on record.

4. Opposite party no.6- Sujeet Kumar Valmiki is also present in person.

5. Sri Shakeel Ahmad has stated that investigation in question has been recently transferred to him and he is conducting the investigation properly collecting evidences, so he may be given some reasonable time to conclude the same strictly in accordance with law. He has assured that the procedure so prescribed under the law shall be followed in its letter and spirit. Copy of the order dated 30.01.2026 has been provided to the District & Sessions Judge, Lucknow, the District Magistrate, Lucknow and the Municipal Commissioner, Lucknow to submit a report particularly on the point as to whether the chambers occupied by opposite party no.6 as well as other Advocates have been occupied properly or there is any legal flaw, but no such report has been filed before this Court as on today and learned AGA has informed that he has also not received any report from the aforesaid officers, though the order has been intimated to them.

5. Keeping in view the aforesaid facts and circumstances, list this case on 11.03.2026.

6. By the next date of listing, the Municipal Commissioner, Lucknow shall submit a specific report in terms of the order dated 30.01.2026 on the point as to whether the chambers occupied by opposite party no.6 as well as other Advocates have been properly occupied or there is any legal flaw, failing which, he shall appear in person.

7. On the next date, Sri Shakeel Ahmad, ACP, Kakori, Lucknow need not appear again, however, by the next date of listing, he shall intimate this Court about the progress and status of the investigation by filing another short counter affidavit/ counter affidavit.

8. Opposite party no.6 may also file counter affidavit, however, on the next date, he need not appear

again."

3. Sri S.P. Singh, learned AGA has informed that the Investigating Officer is conducting the investigation strictly in accordance with law and the outcome of the investigation shall be apprised to the Court by the next date of listing. It is needless to say that the investigating officer shall conduct the investigation following the due procedure of law.

4. Sri Balkeshwar Srivastava, learned counsel has filed counter affidavit on behalf of opposite party no. 6 and Sri S.P. Singh, learned AGA has filed short counter affidavit on behalf of State, same are taken on record.

5. Sri Shailendra Singh Chauhan, learned counsel for the Lucknow Nagar Nigam has provided the detailed inspection report along with coloured photograph of the area indicating therein that as on today there are 72 encroachers, those are mostly Advocates and some shops have also been illegally constructed in the area in question. The aforesaid report is taken on record.

6. On being asked from Sri Chauhan as to whether any appropriate steps have been taken against the illegal encroachments, Sri Chauhan has stated that since most of the illegal encroachments have been done by the Advocates and there are some shops where the work like photostat, computer typing is being carried out and some refreshment shops are there, thus for taking legal recourse against those illegal encroachers the Nagar Nigam will have to serve notices to them asking to remove the encroachment within time stipulated or to show cause and if the illegal encroachment is not removed within time stipulated after taking aforesaid legal recourse, the need of proper police force and support of district administration would be required.

7. Considering the aforesaid submission Sri Chauhan, it would be apt to observe here that it is a trite law that, while generally, notice is required before demolition, especially for authorized structures, but immediate action can be taken against illegal, unauthorized encroachment on public pathways, footpaths, or government land, often without prior notice. The rule of law must be enforced immediately to remove such encroachments.

8. Noticing the view of Lucknow Nagar Nigam to provide a prior notice to the illegal encroachers in this case, the Nigam is directed to take aforesaid legal steps with expedition and if need be proper assistance from the district administration including police may be demanded. If the notice is not received by the illegal encroachers, the same may be affixed on the encroached part / building / shop and it may also be published in the Hindi and English news daily widely circulated in the area. Whatever recourse is adopted by the Lucknow Nagar Nigam to remove the encroachment shall be intimated by the next date of listing by filing an affidavit on behalf of Lucknow Nagar Nigam and deponent thereof should be an officer not below the rank of Class-II Officer.

9. On the next date if the deponent of the affidavit of the Lucknow Nagar Nigam or any competent officer of the Nagar Nigam who wants to apprise the development by his personal presence he may be issued 'gate-pass' by the Registry of this Court.

10. When the case is next listed name of Sri Shailendra Singh Chauhan, Advocate shall be printed as counsel for the Nagar Nigam in the cause list as the role of Nagar Nigam is very important to remove the illegal encroachment near the District and Sessions Court premises (Old High Court).

11. List this case on 7.4.2026 at 3.30 P.M. after seeking appropriate order from Hon'ble the Chief Justice regarding the constitution of the Bench.

(Rajeev Bharti,J.) (Rajesh Singh Chauhan,J.)

March 11, 2026

Om