

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.2984/2026
(@Petition for Special Leave to Appeal (Crl.) No.6811/2026)

PUSHPENDRA

Appellant(s)

VERSUS

STATE OF U.P. & ORS.

Respondent(s)

O R D E R

1. Leave granted.

2. This appeal arises from the Order passed by the High Court of Judicature at Allahabad dated 6-1-2026 in Criminal Miscellaneous Writ Petition No.25468/2025, by which the application preferred by the Respondent Nos.3 and 4 respectively before us - original accused persons praying for quashing of the First Information Report lodged by the appellant before us, came to be allowed and thereby the FIR was ordered to be quashed.

3. We take notice of the fact that the appellant lodged the First Information Report bearing No. 0512 of 2025 with Police Station-Soro Thana, District-Kasganj, UP for the offence punishable under Sections 109 (1), 127 (2), 191 (2), 308 (5), 351 (3) and 352 of the Bhartiya Nyaya Sanhita, 2023 (for short, "BNS, 2023) respectively.

4. The First Information Report reads thus:-

"12. *First Information Contents:*

Respectfully, it is submitted that Ayendra son of Natthu Singh, Chandrakesh son of Ramrahees, and Vrijesh son of Nem Singh from my village were forcibly dumping soil on my land. I stopped them from dumping the soil. Taking offense to this, on 06.09.2025, Ayendra, Chandrakesh, Vrijesh, residents of Village Kumaria, along with Kuldeep Pandey and Aashish Pandey,

residents of Village Garhi Harnader, Police Station Dolna, came to my house and said, "Either let us dump the soil, or give us 1 lakh rupees." When I refused to give the money, all the above-mentioned people forcibly made me sit in their vehicle and took me outside the village, where they held me hostage in the vehicle. Out of fear, I gave them 20,000/- that I had on me, and they told me to arrange for the remaining ₹80,000/-. When I refused to give any more money, Kuldeep Pandey and Aashish Pandey said to Aryendra, "Kill him, shoot the scoundrel." Then Aryendra, with the intention of killing me, fired at me from the pistol he had in his hand, and I had a narrow escape. Hearing the sound of the gunshot, my brother Avanish son of Ganga Singh, Pappu son of Ghanendra, and many other people ran towards the spot. Seeing them approach, (the accused) threatened to kill me, and then all of them fled with the vehicle.

The above-mentioned people are of a criminal nature. They form a group called the 'Kisan Union Swaraj Gaddi' and extort money by threatening people. Therefore, I humbly request that you register my report and take legal action against the above-mentioned people. I shall be highly obliged. Date: 30.09.2025
SD Pushpendra Applicant Pushpendra Son of Netrapal Singh Resident of Village Kumaraua, P.S. Soron, Kasganj, Mobile No. 9720838592 Note: I Head Constable 515 Shyamveer Singh, certify that the copy of the application has been transcribed by me, with word to word that may contains technical errors having been copied exactly."

5. The accused persons went before the High Court and prayed that the FIR, referred to above, be quashed as the same was lodged after a period of 24 days from the date of the incident.
6. The High Court accepted the contention canvassed on behalf of the accused persons as regards the delay in lodging the FIR and thought fit to quash the FIR.
7. In such circumstances, referred to above, the appellant - original complainant is here before us with the present appeal.
8. We heard Mr. Mohit Saroha, the learned counsel appearing for the appellant - complainant, Ms. Ruchira Goel, the learned counsel appearing for the State of U.P. and Mr. Akshay Dev, the learned counsel appearing for the Respondent Nos.3 and 4 respectively - original accused persons.

9. Having regard to the nature of allegations levelled in the FIR, the High Court should not have quashed the FIR merely on the ground that there was a delay of 24 days in lodging the same. There could be many good reasons for the First Informant not to immediately reach the Police Station and lodge the FIR. However, delay with other attending circumstances emerging from the record of the case rendering the entire case put up by the prosecution inherently improbable, may at times become a good ground to quash the FIR and consequential proceedings.

10. As pointed out by the learned counsel appearing for the appellant, the accused persons have criminal antecedents.

11. Delay is one of the factors which the Trial Court may take into consideration while appreciating the overall evidence that may come on record in the course of the trial. Delay by itself without anything more cannot be a ground to quash the FIR.

12. The learned counsel appearing for the Respondent Nos.3 and 4 respectively vehemently submitted that the FIR is politically motivated. This contention also cannot be a ground to quash the FIR at the nascent stage. At the time of considering the case for quashing of the FIR, the High Court is expected to look into the nature of the crime, the nature of allegations levelled etc. In other words, what is important for the High Court is to see whether the FIR discloses commission of any cognizable offence or not.

13. We take notice of the fact that the High Court has not said a word or discussed anything insofar as the nature of the allegations levelled in the FIR is concerned. It is expected of the High Court to give a fair idea in its order as regards the contents of the FIR

and what type of allegations have been levelled in the FIR. The entire FIR may not be reproduced but at least when the matter travels upto the highest Court, then if something is observed in the impugned Order as regards the contents of the FIR, nature of the allegations, that would be helpful to understand whether there has been proper application of mind at the end of the High Court.

14. In the overall view of the matter, we are convinced that the impugned Order passed by the High Court is not sustainable in law.

15. In the result, this Appeal succeeds and is hereby allowed.

16. The impugned Order passed by the High Court is quashed and the FIR No.0512/2025 is restored. The police shall now proceed further in accordance with law.

17. Pending applications, if any, also stand disposed of.

.....J
(J.B. PARDIWALA)

.....J
(S.V.N. BHATTI)

NEW DELHI
29TH MAY, 2026.

ITEM NO.73

COURT NO.6

SECTION II

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (Crl.) No.6811/2026

[Arising out of impugned final judgment and order dated 06-01-2026 in CMWP No. 25468/2025 passed by the High Court of Judicature at Allahabad]

PUSHPENDRA

Petitioner(s)

VERSUS

STATE OF U.P. & ORS.

Respondent(s)

(FOR ADMISSION.....[TO BE TAKEN UP AT THE TOP OF THE BOARD])

Date : 29-05-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA

HON'BLE MR. JUSTICE S.V.N. BHATTI

For Petitioner(s) :

Mr. Mohit Saroha, Adv.
Mr. Arun Kanwa, Adv.
Mr. Vikash Yadav, Adv.
Mr. Adarsh Kumar Pandey, Adv.
Ms. Dimpy Chillar, Adv.
Mr. Siddharth, Adv.
Mr. Shishant, Adv.
Mr. Mukesh Kumar, AOR

For Respondent(s) :

Ms. Ruchira Goel, AOR
Mr. Sharanya, Adv.
Ms. Ritika Rao, Adv.
Ms. Rishika Rishabh, Adv.

Mr. Akshay Dev, Adv.
Mr. Rishabh Rana, Adv.
Mr. Ytharth Kumar, Adv.
Mr. Abhijeet Pandey, Adv.
Mr. Anugrah Singh, Adv.
Mr. Paritosh Awasthi, Adv.
Mr. Satya Kam Sharma, AOR
Mr. Md. Atif, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.
2. This Appeal succeeds and is hereby allowed, in terms of the signed order.
3. The impugned Order passed by the High Court is quashed and the FIR No.0512/2025 is restored. The police shall now proceed further in accordance with law.
4. Pending applications, if any, also stand disposed of.

(VISHAL ANAND)
DEPUTY REGISTRAR

(POOJA SHARMA)
COURT MASTER (NSH)

(Signed Order is placed on the file)