HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

CRIMINAL MISC. WRIT PETITION No. - 10500 of 2026

Mohammad Kaif

.....Petitioner(s)

Versus

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

.....Respondent(s)

Counsel for Petitioner(s)	:	Nadeem Murtaza, Wali Nawaz Khan
Counsel for Respondent(s)	:	G.A., Malik Meraj Ahmad

Court No. - 10

HON'BLE RAJNISH KUMAR, J.
HON'BLE ZAFEER AHMAD, J.

1. Vakalatnama filed by Sri Amar Singh, Advocate on behalf of opposite party no. 4, alongwith counter affidavit, is taken on record.

2. Heard Sri Nadeem Murtaza, learned counsel for the petitioner, learned AGA for the State and Sri Amar Singh for opposite party no. 4.

3. This petition has been filed by the petitioner challenging the FIR lodged by respondent no. 4 bearing Case Crime No. 0237 of 2026 dated 13.9.2026 under Section 69, 351(3) BNS, 2023, at Police Station Aashiyana, District Lucknow Central (Commissionerate Lucknow).

4. Learned counsel for the petitioner has submitted that the impugned FIR has been lodged on the basis of wrong and concocted story whereas there is no promise of marriage what to say of false promise of marriage. It has been specifically pleaded by the petitioner in Para-35 of the petition which has not been denied in the counter affidavit. It has further been submitted that the opposite party no. 4 had levelled allegations against the petitioner for the first time in the Podcast on social media platform on 29.4.2026, which usually would not have been done by a lady, except for the ulterior motive.

5. On the basis of above, it is emphatically submitted that the impugned FIR has been lodged only to malign the petitioner who is a reputed person. Thus, the impugned FIR is liable to be quashed.

6. Learned counsel for respondent no. 4 has vehemently opposed the submissions made by learned counsel for the petitioner. He submitted that the contents of the FIR shows commission of cognizable offence under Section 69 BNS is clearly made out. However, in regard to Para-35 of the petition, he submits that there is a specific denial. Thus, submission is that the FIR cannot be quashed.

7. Learned AGA, on the basis of instructions, submits that in view of the statement of the victim-respondent no. 4 under Section 180 CrPC and 183 CrPC, there is contradiction because in the statement under Section 183 the allegation of Hotel Hyatt, Lucknow has been levelled but the said allegation is neither in the FIR nor in the statement under Section 180 BNSS, therefore, the matter has been recommended to the higher authorities for transfer of FIR to Delhi as mainly the allegations relate to Delhi and the matter is pending before the Deputy Police Commissioner, Lucknow.

8. Learned counsel for the petitioner submits that since decision has not been taken, therefore, the petitioner may be arrested.

9. Learned AGA seeks time to seek instructions regarding the decision on the recommendation made by the Investigating Officer.

10. As prayed, list on 4.11.2026, as fresh.

11. Till the next date of listing, the petitioner shall not be arrested in pursuance of the impugned FIR, however, he shall cooperate in the investigation.

12. In the meantime learned counsel for the petitioner may file rejoinder affidavit.

(Zafeer Ahmad,J.) (Rajnish Kumar,J.)

October 24, 2026
Fahim/-

Digitally signed by :-
MOHD FAHIM AKHTAR
High Court of Judicature at Allahabad,
Lucknow Bench