



**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

APPLICATION U/S 482 No. - 11061 of 2025

Abbas Ansari

.....Applicant(s)

Versus

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

.....Opposite
Party(s)

Counsel for Applicant(s) : Qazi Sabihur Rahman, Ishan Baghel,
Razaur Rahman

Counsel for Opposite Party(s) : G.A.

Court No. - 14

HON'BLE RAJEEV SINGH, J.

1. Heard Sri Ishan Baghel, learned counsel for the applicant and Sri V.K. Shahi, learned Additional Advocate General assisted by Sri Vivek Gupta, learned A.G.A. for the State.
2. The present application is filed with the prayer to quash the illegal arbitrary, mechanical and frivolous charge sheet no.01 dated 24.4.2023 and the cognizance cum Summoning order dated 12.7.2023 in Case No.75348 of 2023, F.I.R. No.312 of 2022 under Section 174-A I.P.C., Police Station - Mahanagar, District - Lucknow as well as entire proceedings in the said F.I.R.
3. In pursuance of earlier order, Mr. Gajendra Singh, Sub Inspector and Mr. Alok Kumar, Sub Inspector, Police Station Mahanagar, Lucknow are present alongwith the complete case diary.
4. Learned counsel for the applicant submits that applicant has been falsely implicated in the F.I.R. No.431/2019 under Sections 420, 467, 468, 471 I.P.C. & Section 30 of Arms Act, Police Station Mahanagar, District - Lucknow, in which, investigation was conducted and the bailable as well as non-bailable warrants were obtained from the competent court without any appropriate material, and thereafter, order under Section 82 Cr.P.C. was also passed by the competent court on 25.8.2022 and the aforesaid orders were never served on

the applicant. He also submits that as per the prosecution case, service was done by beating the drum and pasting the notice at the house of the applicant situated at Village Yusufpur, Darzi Tola, P.S. Mohammadabad, District - Gazipur and the Investigating Officer of the aforesaid case lodged the F.I.R. of the present case, i.e., F.I.R. No.312 of 2022 under Section 174-A I.P.C., P.S. - Mahanagar, Lucknow with the presumption that despite proclamation under Section 82 Cr.P.C., applicant is not appearing.

4.1. Learned counsel for the applicant further submits that proceedings of Case Crime No.431 of 2019 (supra) was challenged before the Hon'ble Supreme Court in Special Leave to Appeal (Crl.) No.9315 of 2022 "Abbas Ansari Vs. State of U.P.", in which, interim order was passed and also observed that aforesaid house of the applicant was already seized by the police. It is admitted case of the police that summons and bailable warrants were served on the said address, which was not in occupation of the applicant or his family members but the charge sheet was submitted by the Investigating Officer in the present case against the statutory provisions. He also submits that for the alleged offence only complaint was to be filed by the police personnel and also relies on the decision of Division Bench of this Court in the case of 'Sumit & Anr. Vs. State of U.P. & Ors.' passed in Criminal Misc. Writ Petition No.17560 of 2023 and requested that there is a legal issue, which has already been decided by Division Bench of this Court in aforesaid case vide order dated 8.1.2024, therefore, entire proceedings of the present case may be quashed in terms of the laid down by the Division Bench by this Court.

5. Sri V.K. Shahi, learned Additional Advocate General vehemently opposes the prayer of the applicant and submits that applicant was not cooperating in the investigation and was absconding continuously, and thereafter, on the basis of sufficient material, which was placed before the learned Magistrate, bailable as well non-bailable warrants were issued. He further requested for some time to file comprehensive counter affidavit.

6. Considering the submissions of learned counsel for the parties, going through the contents of the application as well as other relevant documents, it is evident from the record that in the F.I.R. No.431/2019 (supra), applicant was an accused and the investigation was going on, the F.I.R. as well as case diary also reveal that summons were pasted at the house of the applicant situated at Village Yusufpur, Darzi Tola, P.S. Mohammadabad, District - Gazipur but he failed to cooperate in the investigation, then bailable as well as non bailable warrants were obtained from the competent court by the Investigating Officer, and thereafter, order under Section 82 Cr.P.C. was passed, record reveals the house, on which, notice was pasted, was seized by police.

6.1. It is informed that proceedings of F.I.R. No.431/2019 (supra) was challenged before the Hon'ble Supreme Court in Special Leave to Appeal (Crl.) No.9315 of 2022, in which, proceedings of the F.I.R. in question was stayed by the Hon'ble Supreme Court vide its order dated 19.10.2022 on the ground that house where the summons and bailable warrants were served, was already seized by the authorities and on the date of service of notice, the said house was not in occupation of the applicant or his family members.

6.2. As the Division Bench of this Court has already decided the identical controversy in the case of '**Sumit & Anr. Vs. State of U.P. & Ors.**' passed in Criminal Misc. Writ Petition No.17560 of 2023, therefore, matter requires consideration.

7. List this case on 23.3.2026.

8. Three weeks time is granted to learned A.G.A. to file counter affidavit. Thereafter, one week time is granted to the applicant to file rejoinder affidavit.

9. Till the next date of listing, impugned proceedings shall remain stayed.

(Rajeev Singh,J.)

February 2, 2026/GauraV/-