



2026:AHC:168404-DB

A.F.R.

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. WRIT PETITION No. - 18961 of 2026

Arpit Gupta

.....Petitioner(s)

Versus

State of U.P. and 2 others

.....Respondent(s)

Counsel for Petitioner(s)	: Anuj Bajpai, Sanjay Kumar Mishra
Counsel for Respondent(s)	: G.A.

Court No. - 48

HON'BLE CHANDRA DHARI SINGH, J.
HON'BLE TARUN SAXENA, J.

(Per: Hon'ble Chandra Dhari Singh, J.)

Factual Matrix

1. The present petition has been filed under Article 226 of the Constitution. The petitioner is stated to be the owner of Parit Associates (OPC) Private Limited. Respondent no. 1 is the State of Uttar Pradesh through its Principal Secretary (Home), Uttar Pradesh Government, Lucknow; respondent no. 2 is the Commissioner of Police, Rural Commissionerate, Ghaziabad; and respondent no. 3 is the prosecutrix.

2. The present writ petition has been instituted seeking quashing of Case Crime No. 0194/2026 dated 28.07.2026, registered at Police Station

Wave City, Rural Commissionerate, Ghaziabad, under Sections 64, 74, 75(2), 76 and 351(3) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter “BNS”). The petitioner has also sought a direction restraining his arrest in pursuance of the said First Information Report (hereinafter “FIR”), along with other appropriate reliefs and costs.

3. The allegations forming the basis of the impugned FIR were initially set out by the prosecutrix in an application bearing No. 227/2026, before the Court of the Additional Chief Judicial Magistrate, Ghaziabad, under Section 173(4) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter “BNSS”) concerning Police Station Wave City, District Ghaziabad.

4. In her application, the prosecutrix stated that on 04.10.2025, she was appointed by the owner of Parit Associates Private Limited (petitioner) as an Admin at the company’s office Gautam Budh Nagar. She stated that her initial salary was Rs. 45,000 per month and that it was subsequently increased to Rs. 65,000 per month on account of her satisfactory work.

5. The prosecutrix alleged that the petitioner used to call her to his cabin and tell her that if she obeyed him, he would give her a higher position in the company. She alleged that, on that pretext, he called her to his cabin and started molesting her. According to her, when she objected, he threatened her by stating that he had influence at high levels and relations with persons of criminal character and that he would get her and her family members killed. She stated that she became frightened and did not disclose the incident to anyone at that time.

6. She further alleged that the petitioner used to call her continuously after office hours. She stated that he threatened to lodge a false report against her and send her to jail if she did not fulfill his alleged unlawful

desires. She also attributed to him the statement that her salary had been increased so that she would fulfill all his wishes.

7. The prosecutrix further alleged that the petitioner had purchased a plot at Bhangel and used to ask her to visit the plot alone so that she could inspect it and state how many flats could be constructed there. She stated that she refused to visit the place alone. She also alleged that on several occasions he took her on some pretext to Grandthum Group, Sector-108, Greater Noida.

8. According to the said application, on one such occasion Smt. Savita stated that her car had broken down. She alleged that the petitioner sent his driver to get her car repaired and forcibly took her in his own vehicle, where he allegedly molested her.

9. The prosecutrix further alleged that in March 2026 the petitioner again called her to his cabin and started molesting her. She alleged that he put his hand inside her top and pressed her breast. She further alleged that, despite her objection, he put his hand over her jeans, touched her private part, inserted his finger into her private part and moved it in and out. She described the alleged act as digital rape. She further alleged that he told her that if she agreed to have physical relations with him, he would make her rich.

10. The prosecutrix stated that she managed to free herself from the petitioner and told him that she would complain to the police. She alleged that he then threatened to defame her and have her family members killed. She further stated that, on that day, he made her sit in his car, drove her to Wave City, continued to threaten and molest her during the journey, and dropped her outside her residence.

11. She alleged that because of fear for the safety of her family, she did not disclose the matter to anyone. She further alleged that when she did

not agree to his demands, he began threatening to withhold her commission and to implicate her in a false case.

12. The prosecutrix also stated that, because of the alleged misconduct and wrongful acts of the petitioner, she resigned from her position on 08.04.2026. She alleged that after her resignation the petitioner became apprehensive that she might complain against him.

13. According to her, he thereafter colluded with the police at Indirapuram and got a false extortion case registered against her so as to protect himself and prevent her from disclosing the alleged incidents.

14. The said case lodged by the petitioner against the prosecutrix is Case Crime No. 294/2026, registered at Police Station Indirapuram. She states that she had no role in that case, but was nevertheless arrested and sent to jail.

15. The material relating to Case Crime No. 294/2026 dated 14.04.2026 under Section 308(5) of the BNS states that the petitioner received a call on 10.04.2026 at about 3:54 p.m. on his mobile number ***** from mobile number *. The caller allegedly demanded that he arrange Rs. 10 crore, represented himself as the son of a politician, and made repeated calls after the first call was disconnected. A written message was also allegedly sent, stating that the caller could be told where the money was to be delivered and that there was not much difference between Noida and Indirapuram.

16. During investigation, the names of the prosecutrix; Ravindra @ Robin; and Tushar Vaisoya, allegedly came to light.

17. It is stated in the police report that the police of Police Station Indirapuram arrested the said persons on 15.04.2026 and sent them to jail.

The prosecutrix was granted bail vide order dated 21.05.2026 by the Single Bench of this Court.

18. According to the petitioner, after her release on bail, the prosecutrix allegedly began contacting the petitioner's clients and employees and escalated her alleged extortion demand to Rs. 20–25 crore. The petitioner states that he submitted a written complaint to the police authorities on 04.06.2026 and also made a complaint on the CM IGRS portal on 03.06.2026.

19. The petitioner further states that he caused a legal notice dated 29.06.2026 to be served upon the prosecutrix, calling upon her to cease and desist from the alleged activities.

20. The prosecutrix, on the other hand, stated that after coming out of jail, the petitioner sent unknown persons to threaten her. She alleged that she was warned that if she initiated any proceedings, she would again be sent to jail in another case. She also alleged that various threats and legal notices were sent to her in order to compel her to remain silent and stay at home.

21. The prosecutrix stated that she went to Police Station Wave City to lodge a report concerning the alleged molestation, digital rape and threats, but no action was taken. She thereafter stated that she submitted a complaint to the Commissioner of Police, Ghaziabad, on 07.07.2026, but no action was taken even thereafter. The application seeking directions for registration of an FIR was then presented by the prosecutrix before the Additional Chief Judicial Magistrate, Ghaziabad for registration of FIR against the petitioner.

22. Upon receipt of the application, the Magistrate called for a report from the concerned police station. The report dated 16.07.2026 was submitted by the Sub-Inspector, Police Station Wave City,

Commissionerate Ghaziabad. The report stated that the prosecutrix was asked to provide WhatsApp chats, call recordings or conversations conducted with the petitioner on any social media platform in support of her allegations, but that she was unable to furnish such material.

23. The police report further recorded that the prosecutrix had previously been released on bail in a registered crime case and that the allegations in her application appeared to have been exaggerated as a pressure tactic or counter-blast against the complainant in the extortion case. The report described the allegations as false and baseless and stated that, on examination of the records of Police Station Wave City, no case had been made there concerning the allegations made in the application.

24. Thereafter, the Magistrate passed an order dated 20.07.2026 accepting the application under Section 173(4) BNSS and directing the Station House Officer, Police Station Wave City, District Ghaziabad, to register an FIR under appropriate sections and conduct investigation in accordance with law against the petitioner. Pursuant to the Magistrate's order, Case Crime No. 0194/2026 was registered at Police Station Wave City on 28.07.2026. The FIR is registered under Sections 64, 74, 75(2), 76 and 351(3) of the BNS.

Arguments

By petitioner

25. Learned counsel appearing on behalf of the petitioner submitted that the Magistrate's order dated 20.07.2026 is bad in law and liable to be set aside as the same was passed mechanically, and without considering or discussing the police report dated 16.07.2026. The petitioner asserts that the police report had treated the allegations as false and as a counter-blast to Case Crime No. 294/2026, but that this report was not properly considered before directing registration of the FIR by the Magistrate.

26. The petitioner argues that the allegations of digital rape are inherently improbable when considered against the admitted employment relationship, the revision of the prosecutrix's salary and the contemporaneous conduct of the parties. He further argues that the allegations concerning repeated incidents over several months were raised only after her arrest and release on bail in Case Crime No. 294/2026 and were therefore an afterthought.

27. The petitioner contends that the application under Section 173(4) BNSS was filed maliciously and with the ulterior object of creating a defence or "peshbandi" for the prosecutrix, and exerting pressure upon him in connection with Case Crime No. 294/2026. He asserts that the application was intended to compel him to compromise or withdraw the extortion proceedings.

28. The petitioner relies upon the police report dated 16.07.2026, according to which respondent no. 3 could not produce WhatsApp chats, call recordings or conversations from any social media platform in support of her allegations. The police report recorded that the allegations appeared to have been exaggerated for exerting pressure upon the petitioner and that they appeared to be false and baseless. The petitioner further contends that the allegations of repeated molestation and digital rape are inherently improbable when considered alongside the admitted employment relationship, the salary increase and the surrounding contemporaneous circumstances.

29. The petitioner relies upon the fact that the prosecutrix allegedly continued to work in the company until 08.04.2026, despite alleging that the petitioner had repeatedly molested her, made improper demands, threatened her and subjected her to sexual misconduct. The petitioner submits that this conduct, according to his case, is inconsistent with the allegations and indicates that the allegations were subsequently concocted.

30. The petitioner further challenges the allegations relating to the alleged incidents at the petitioner's cabin, the plot at Bhangel, Grandthum Group, Sector-108, Greater Noida, and the alleged incident in March 2026. He submits that the allegations concern several alleged incidents over a period of months but were not reported contemporaneously to the police, family members or any other person.

31. The petitioner further submits that the FIR was registered against him in an extraordinary and unexplained sequence of events. According to his case, the earlier extortion FIR had initially been registered against unknown persons on the basis of calls and messages from mobile number *****; the investigation was allegedly entrusted to specialised units of the Uttar Pradesh Police, including the SWAT and Special Cell; and the prosecutrix came to be identified during that investigation. The petitioner asserts that the subsequent allegations of sexual misconduct were false, fabricated and concocted.

32. The petitioner argues that he is a law-abiding citizen, has no criminal antecedents, is not a flight risk and is willing to cooperate with the investigation. He contends that continuation of the proceedings arising from the impugned FIR would result in miscarriage of justice and abuse of the criminal process.

33. The other arguments presented by the petitioner include the plea of arbitrary registration of the FIR against the petitioner which is patently illegal and arbitrary. Further, the order dated 20.07.2026 reflects non-application of judicial mind as the Magistrate ignored the police action report, and that the application under Section 173(4) BNSS was filed with *mala fide* intention and an ulterior motive as the allegations were improbable, absurd and an afterthought. Thus, it is prayed that the impugned FIR may be quashed and the present petition be allowed.

By respondents

34. *Per Contra* learned counsel appearing on behalf of the State vehemently opposed the present petition submitting to the effect that the same has been filed prematurely and is devoid of any merits as the order dated 20.07.2026 (passed by the Magistrate) directs registration of the FIR and investigation into allegations disclosing cognizable offences. At this stage, the truthfulness of the allegations cannot be adjudicated in proceedings seeking quashing of the FIR.

35. The allegations made by the prosecutrix disclose a continuing course of sexual harassment, molestation, criminal intimidation and abuse of the relationship of employment. The petitioner was the owner of the company in which the prosecutrix was employed as an Admin. The allegation is that he used his position as employer and superior to call her to his cabin, offer her a higher position and insist that she obey his personal demands. The prosecutrix has given specific details and these details show that the allegations are not vague or omnibus. The places, circumstances and nature of the alleged conduct have been stated with sufficient particulars for the purpose of investigation.

36. The allegation concerning the incident in March 2026 is specific and grave. The prosecutrix has stated that the petitioner called her to his cabin, put his hand inside her top, pressed her breast, touched her private part over her jeans and inserted his finger into her private part. She has further alleged that the petitioner offered to make her rich if she agreed to establish physical relations with him. The allegations, taken at their face value, disclose cognizable offences under the provisions invoked in the FIR. These allegations provide a specific explanation for her apprehension and for her failure to immediately approach the police.

37. The delay in disclosure cannot, at the stage of registration and investigation, be treated as a ground for quashing the FIR. The prosecutrix

has explained that she remained silent because she was afraid for the safety of her family and had been threatened with defamation, false implication and harm to her family members. She has further stated that she disclosed the matter to her family only later, after being subjected to continued threats.

38. The petitioner's principal defence is that the criminal case lodged against him is a counter-blast to Case Crime No. 294/2026. That defence is a matter for investigation and trial. The existence of an earlier criminal case involving the prosecutrix does not give the petitioner immunity from investigation into separate allegations of sexual offences and criminal intimidation. The two matters arise out of different alleged occurrences and require independent examination.

39. It is argued that the police report dated 16.07.2026 cannot be treated as a final adjudication of the allegations. The report was prepared before registration of the FIR and appears to have proceeded substantially on the ground that the prosecutrix could not produce WhatsApp chats, call recordings or other social media material. The absence of such electronic material at that preliminary stage does not establish that the alleged physical acts, threats and other circumstances did not occur.

40. The learned Magistrate was entitled to consider the allegations in the application and to direct police investigation where the nature of the allegations required collection of evidence beyond the immediate reach of the prosecutrix. The petitioner's submission that the learned Magistrate passed the order mechanically is incorrect. The record shows that the Magistrate considered the allegations, called for a report from the concerned police station, considered the nature of the offences alleged and thereafter directed registration of the FIR and investigation. The petitioner's disagreement with the conclusion does not establish non-application of mind.

41. It is argued that the writ petition seeks an adjudication of disputed questions of fact, including whether the employment relationship was misused, whether the petitioner made the alleged demands and threats, whether the March 2026 incident occurred, whether the prosecutrix was threatened after her resignation, and whether Case Crime No. 294/2026 was genuine or was procured to silence her. Such questions cannot properly be decided merely on the basis of the petitioner's version in a petition seeking quashing of the FIR. Thus, it is prayed that the present petition may be dismissed.

Analysis and findings

42. The Court has heard the parties, considered the pleadings, the material placed on record, the impugned FIR, the application submitted by the prosecutrix under Section 173(4) of the BNSS, the police report dated 16.07.2026 and the order dated 20.07.2026 passed by the learned Additional Chief Judicial Magistrate, Ghaziabad.

43. This Court is of the view that the aforesaid submissions raise disputed questions of fact. The Court cannot, in the present proceedings, conclusively determine whether Case Crime No. 294/2026 was genuine or falsely engineered, whether the prosecutrix was involved in the extortion demand, whether the allegations of sexual misconduct are true, or whether the present FIR was filed as a counter-blast. These questions require investigation, collection of evidence, examination of witnesses and appreciation of the material in accordance with law.

44. The prosecutrix stated that she first approached Police Station Wave City for registration of the case, but no action was taken. She thereafter stated that she submitted a complaint to the Commissioner of Police, Ghaziabad, on 07.07.2026, but no FIR was registered even thereafter. It was only after these alleged failures that she approached the Court of the

Additional Chief Judicial Magistrate, Ghaziabad, by filing the application under Section 173(4) BNSS.

45. The application was placed before the learned Magistrate as Application No. 227/2026. The learned Magistrate did not pass an order without seeking the response of the police station. A report was called for from Police Station Wave City. The report dated 16.07.2026 was submitted by the Sub-Inspector, Police Station Wave City, Commissionerate Ghaziabad. The report noted that the prosecutrix had been asked to provide WhatsApp chats, call recordings or conversations through other social media platforms with the petitioner, but had not produced such material.

46. The police report thereafter expressed the opinion that the prosecutrix, having previously been released on bail in a registered case, appeared to have exaggerated the allegations in order to exert pressure upon the complainant in that case. The report described the allegations as false and baseless and also stated that no case concerning the allegations was registered at Police Station Wave City.

47. The contention of the petitioner is that, after receiving this report, the learned Magistrate mechanically allowed the application under Section 173(4) BNSS and directed registration of the FIR. This contention is not borne out from a careful reading of the order passed by the learned Magistrate. The order refers to the allegations made by the prosecutrix, notes the substance of the police report, records the seriousness of the allegations and then examines whether the matter required police investigation.

48. The learned Magistrate specifically considered the allegation that the petitioner had called the prosecutrix to his cabin, offered her a higher position, molested her, pressed her breast, touched her private part, committed the alleged act of digital rape and threatened to kill her and her

family members. The Magistrate also considered the allegation that the petitioner had threatened her with false implication, had taken her in his vehicle and had continued to threaten her during the journey to Wave City.

49. The learned Magistrate further considered the proposition that, in a complaint involving sexual harassment or sexual assault, where relevant evidence is outside the reach of the complainant, police investigation may be necessary for collection of that evidence. The order records the conclusion that the allegations *prima facie* disclosed serious cognizable offences and that the evidence could appropriately be collected through police investigation.

50. Thus, the learned Magistrate did not overlook the police report. The report was called for, received, placed before the Court and considered in the context of the allegations made in the application. The fact that the learned Magistrate did not accept the opinion of the police officer does not mean that the report was ignored. A police report submitted at the pre-FIR stage is not binding upon the Magistrate where the complaint, taken at its face value, discloses cognizable offences requiring investigation.

51. The police report proceeded principally on the basis that the prosecutrix had not produced WhatsApp chats, call recordings or social media conversations. However, the allegations made by the prosecutrix are not confined to electronic communications. They concern alleged physical acts in the petitioner's cabin, alleged molestation during travel, alleged threats to her and her family members, and alleged misuse of the employment relationship. The absence of chats or recordings at the preliminary stage does not establish that the allegations are false.

52. Whether the petitioner made calls to the prosecutrix, whether the calls were made after office hours, whether the petitioner and the prosecutrix traveled to the places mentioned in the application, whether the petitioner's vehicle was used, whether any CCTV footage or other

electronic material is available, and whether there are witnesses or other surrounding circumstances are matters that can be ascertained only through investigation.

53. The Call Detail Records, location records, subscriber details and other electronic evidence, if legally obtainable and available, can be collected by the investigating agency after registration of the FIR. It was not proper for the police to treat the non-production of such material by the prosecutrix as a reason to refuse registration of the FIR. The burden of conducting a lawful investigation cannot be shifted upon the prosecutrix at the stage when she approaches the police with information disclosing cognizable offences.

54. The Court is also unable to accept the submission that the police report conclusively established that no offence was made out. The report was an opinion formed before a proper investigation commenced. It did not amount to a final report under the applicable procedural law, nor did it constitute a judicial determination regarding the truth or falsity of the allegations. The Magistrate was therefore competent to direct registration of the FIR after considering the complaint and the police report.

55. The legal position is settled that where information supplied to the police discloses the commission of a cognizable offence, registration of an FIR is mandatory. In *Lalita Kumari v. Govt. of UP*¹ the Hon'ble Supreme Court held that registration of an FIR is mandatory where the information discloses a cognizable offence, a preliminary inquiry is permissible only in cases where the information does not itself disclose a cognizable offence and the inquiry is required to ascertain whether a cognizable offence is disclosed.

56. The principle in *Lalita Kumari (Supra)* applies to the present matter. The allegations in the application of the prosecutrix, without examining

¹ AIR 2012 SC 1515

their ultimate truth and without entering into the merits of the defence, *prima facie* disclose allegations of sexual assault, molestation, alleged digital penetration, inducement, threats to cause death and criminal intimidation. The contents of the complaint therefore required registration of an FIR and investigation.

57. In ***Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra***², the Hon'ble Supreme Court reiterated that the police have a statutory right and duty to investigate cognizable offences and that the High Court should not interfere merely because the accused disputes the allegations.

58. The present case does not fall within the narrow category in which the allegations, even if accepted in their entirety, disclose no offence. Nor is this a case where the allegations are so absurd, inherently impossible or legally barred that no investigation can be permitted. On the contrary, the factual allegations, taken at face value, disclose offences which require investigation.

59. The petitioner has relied upon ***State of Haryana v. Bhajan Lal***³, and submits that the FIR was maliciously instituted to wreak vengeance. The principles in ***Bhajan Lal (Supra)*** undoubtedly recognise that the High Court may interfere in exceptional cases where the allegations do not disclose an offence or where the proceedings are manifestly mala fide. However, the power is to be exercised sparingly and with great caution. The existence of a possible defence or the allegation that the FIR is motivated is not, by itself, sufficient to quash an FIR where the complaint discloses cognizable offences and disputed questions of fact arise.

60. In the present case, the allegation of *mala fides* is itself disputed. The petitioner says that the prosecutrix filed the present case to create a counter-blast to Case Crime No. 294/2026. The prosecutrix, on the other

² 21 SCC OnLine SC 315

³ 1992 SCC (Cri) 426

hand, states that Case Crime No. 294/2026 was procured against her after she resigned and after the petitioner became apprehensive that she would disclose his conduct. Both versions require proof. This Court cannot select one version over the other on the basis of affidavits and annexures in a petition under Article 226 of the Constitution.

61. The FIR lodged on the complaint of the petitioner concerning the alleged extortion demand and the FIR lodged on the complaint of the prosecutrix concerning alleged sexual offences and criminal intimidation arise out of different sets of allegations. Case Crime No. 294/2026 concerns the alleged demand of money through mobile number ***** and the subsequent investigation in that matter. Case Crime No. 0194/2026 concerns the allegations made by the prosecutrix regarding her employment, alleged sexual misconduct, alleged threats and the events preceding and following her resignation.

62. The two FIRs therefore disclose different alleged occurrences and different causes of action. The existence of Case Crime No. 294/2026 does not bar investigation into Case Crime No. 0194/2026. The two cases may be investigated and dealt with independently in accordance with law. At this stage, there is no material before the Court warranting interference on the ground that the present FIR is merely a counter-case.

63. The Court is conscious that the present proceedings are not a trial. The Court is not required to determine whether the petitioner actually committed the acts alleged by the prosecutrix. The Court is also not required to decide whether the prosecutrix's allegations are ultimately credible, whether the alleged threats were in fact made, whether the alleged acts occurred in the petitioner's cabin or vehicle, or whether electronic and oral evidence will support the prosecution case.

64. The question at this stage is limited to whether the complaint and the FIR, taken at their face value, disclose the commission of cognizable

offences requiring investigation. On that limited question, the answer is in the affirmative.

65. The alleged acts of molestation and sexual assault, the allegation of digital penetration, the alleged inducement through promise of money and promotion, and the alleged threats to kill the prosecutrix and her family members cannot be brushed aside as disclosing no offence.

66. The Court also considers it necessary to observe that allegations of sexual harassment and sexual assault in the workplace require a sensitive, fair and legally compliant investigation. The fact that the complainant is a woman alleging misconduct by the owner of the company in which she was employed cannot be treated as an insignificant circumstance. At the same time, the rights of the accused must also be safeguarded through a fair investigation. Both requirements are fulfilled by permitting the investigation to proceed rather than terminating it at the threshold.

67. Quashing the FIR at this stage, despite the disclosure of cognizable offences and before collection of the relevant evidence, may have a serious adverse effect. It may convey that allegations of sexual misconduct made by a woman employee are to be disbelieved at the threshold whenever the employer relies upon a previous criminal case or the absence of contemporaneous electronic evidence. Such an approach would be contrary to the settled principles governing registration of FIRs and would discourage similarly situated persons from approaching the police or the courts.

68. The Court is, therefore, of the view that the allegations made by the prosecutrix require a proper investigation. The investigating agency must examine the prosecutrix, the petitioner and relevant employees; verify the employment and salary records; examine the circumstances of the resignation dated 08.04.2026; ascertain the details of the alleged places of occurrence; examine the petitioner's vehicle and driver, if relevant; collect

available CCTV footage, call detail records, location records and electronic material in accordance with law; and record the statements of persons who may be acquainted with the relevant circumstances, all in accordance with the law.

69. This Court is unable to accept the submission that the learned Magistrate ignored the police report dated 16.07.2026. The statutory remedy before the Magistrate cannot be rendered illusory by treating a preliminary police opinion as conclusive. The Magistrate correctly exercised jurisdiction after considering the application and calling for a police report. The order dated 20.07.2026 demonstrates that the Magistrate considered the report but reached a different conclusion after examining the nature and seriousness of the allegations. The Magistrate was not bound to accept the police officer's preliminary opinion, particularly when the complaint disclosed cognizable offences and the material evidence required police investigation.

70. In view of the aforesaid discussion, the petitioner has failed to establish that the allegations in Case Crime No. 0194/2026 are inherently impossible, that they disclose no cognizable offence, that the proceedings are barred by law, or that the case falls within any exceptional category warranting exercise of the extraordinary jurisdiction under Article 226 of the Constitution. The petitioner's grounds are primarily founded upon disputed questions of fact and his defence to the allegations, which cannot be adjudicated in the present proceedings.

71. Taking the foregoing into consideration, the prayer for quashing Case Crime No. 0194/2026 dated 28.07.2026, registered at Police Station Wave City, Rural Commissionerate, Ghaziabad, under Sections 64, 74, 75(2), 76 and 351(3) of the BNS, is rejected and thus, the petition is liable to be dismissed.

Conclusion

72. Accordingly, the present petition stands dismissed. Pending application(s), if any, stands disposed of.

73. It is clarified that this Court has not expressed any final opinion on the merits of Case Crime No. 0194/2026. The observations made above are confined to the adjudication of the present writ petition. The observations shall not be construed as an expression on the merits of the case.

74. Before parting, this Court is also constrained to observe that the record raises a serious issue regarding the conduct of the police authorities. The prosecutrix has stated that she approached Police Station Wave City, but the FIR was not registered. She thereafter stated that she approached the Commissioner of Police, Ghaziabad, by complaint dated 07.07.2026, but no FIR was registered even thereafter. The police report dated 16.07.2026 proceeded to criticize the prosecutrix for not producing electronic evidence, instead of treating the allegations as information requiring registration and investigation.

75. It is difficult to understand why the concerned police station did not register an FIR when the prosecutrix approached it with allegations which, on their face, disclosed cognizable offences. It is equally difficult to understand why the complaint dated 07.07.2026 addressed to the Commissioner of Police, Ghaziabad, did not result in registration of an FIR or in an effective investigation. The failure to register the FIR at the first instance compelled the prosecutrix to approach the Magistrate under Section 173(4) BNSS. The police are required to register the information, investigate the allegations and collect evidence. They are not required to decide the ultimate truth or falsity of the allegations at the stage of registration.

76. The duty of the police is to receive the complaint, register an FIR where cognizable offences are disclosed, conduct a fair investigation and place the result of the investigation before the competent court. The ultimate determination regarding the truth of the allegations, the credibility of witnesses, the admissibility and sufficiency of evidence and the guilt or innocence of the accused is for the criminal court to decide in accordance with law.

77. Therefore, it is apposite to take the aforementioned conduct of the police into account and call for a report. Accordingly, the following directions are issued:

- a. The Director General of Police, Uttar Pradesh, is directed to examine the circumstances in which the complaint made by the prosecutrix was not registered by the concerned police station and why no FIR was registered upon her complaint dated 07.07.2026 addressed to the Commissioner of Police, Ghaziabad.
- b. The inquiry shall specifically examine the conduct of the police personnel posted at Police Station Wave City and the role of the concerned officers including the Commissioner of Police, Ghaziabad, all of them having dealt with the prosecutrix's complaint.
- c. The Director General of Police, Uttar Pradesh, shall issue show-cause notices to the concerned police personnel, including the Station House Officer of Police Station Wave City and the officers responsible for dealing with the complaint before the Commissioner of Police, Ghaziabad as well as the Commissioner of Police, Ghaziabad himself. The show-cause notices shall require them to explain why the FIR was not registered despite the allegations *prima facie* disclosing

cognizable offences and why the prosecutrix was required to approach the Magistrate under Section 173(4) BNSS.

- d. The Director General of Police, Uttar Pradesh, shall also examine whether the police report dated 16.07.2026 was prepared after a lawful and fair preliminary assessment and whether the failure to produce WhatsApp chats, call recordings or social media material could lawfully have been treated as a ground for refusing registration of the FIR. The inquiry shall also examine whether the relevant electronic evidence, including call detail records and location-related material, ought to have been collected by the police after registration of the case.
- e. The Director General of Police, Uttar Pradesh, shall personally supervise the inquiry and shall submit a report, by way of personal affidavit, before this Court within four weeks. The affidavit shall disclose the names and designations of the officers examined, the explanations furnished by them, the findings recorded in respect of each officer and the action, if any, proposed or taken.

78. The Registrar General of this Court shall forward a copy of this judgment to the Director General of Police, Uttar Pradesh; the Commissioner of Police, Ghaziabad; the Station House Officer, Police Station Wave City, Ghaziabad; and the concerned police officers for compliance.

79. The Commissioner of Police, Ghaziabad, shall ensure that the investigation in Case Crime No. 0194/2026 is conducted fairly, impartially and in accordance with law.

80. List the matter in chambers after four weeks for consideration of the personal affidavit and compliance report of the Director General of Police, Uttar Pradesh.

(Tarun Saxena, J.) (Chandra Dhari Singh, J.)

August 06, 2026
Atul