



2025:AHC-LKO:70756-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. WRIT PETITION No. - 10536 of 2025

Abhihita Misra

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Ministry Of
Homes Civil Sectt. Lko. And Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Shashank Singh, Amit Jaiswal
Counsel for Respondent(s)	:	G.A.

Court No. - 11

HON'BLE ABDUL MOIN, J.

HON'BLE MRS. BABITA RANI, J.

1. Heard learned counsel for the petitioner as well as learned A.G.A. appearing for the respondents No.1 to 4.

2. The instant petition has been filed praying for the following reliefs:-

"(i). Issue a writ, order or direction in the nature of mandamus commanding the respondents No.2 to 4 to direct the respondent No.5 to open the lock of the cars as mentioned in para 3 of the petition.

(ii). Issue a writ, order or direction in the nature of mandamus commanding the respondent No.5 to provide the copy of the F.I.R., if any, to the petitioner with immediate effects.

(iii). Issue a writ, order or direction in the nature of mandamus commanding the respondents No.2 to 5 not to harass the petitioner and her family without following due process of law."

3. The matter had been taken up on the urgency expressed by the learned counsel for the petitioner on 07.11.2025, on which date the following order was passed:-

"1. Supplementary affidavit filed today is taken on record.

2. The instant petition has come up on the consent which has been given by this Court for taking up the matter today on the basis of urgency shown by learned counsel for the petitioner.

3. This petition has been filed praying for mandamus commanding the opposite parties to open the lock of cars as mentioned in para 3 of the petition, to provide a copy of the FIR, if any, to the petitioner and not to harass the petitioner and her family without following due process of law.

4. The contention of learned counsel for the petitioner is that on 2.11.2025 at about 05.26 pm, 9 police personnel barged inside the house of the petitioner and locked the three cars of the petitioner.

5. Learned counsel for the petitioner states that the petitioner has not been informed of the offence committed by the petitioner or her husband and no information as to why her three cars have been locked by the police personnel has been given. Apprehending harassment, the instant petition has been filed for the aforesaid reliefs.

6. On the other hand, learned AGA states that he is having General Diary details dated 6.11.2025 but does not have any instructions as to why the police personnel had gone to the residence of the petitioner on 2.11.2025 in the evening.

7. Considering the aforesaid, let the Station House Officer, P.S. Sushant Golf City, Lucknow appear on Monday i.e., 10.11.2025 to explain the circumstances which led the police personnel to visit the house of the petitioner on 2.11.2025 and as to why the three cars of the petitioner have been locked.

8. List this case on 10.11.2025.

9. Learned AGA shall inform about this order to the S.H.O. concerned without waiting for a certified copy of this order.

10. Till then, the petitioner and her family members shall not be harassed in any manner."

4. In pursuance to the order of this Court dated 07.11.2025, Shri Upendra Singh, Station House Officer, Thana- Sushant Golf City,

District- Lucknow is present along with the instructions.

5. The instructions filed today are taken on record.

6. Learned A.G.A., on the basis of instructions given by Shri Upendra Singh, S.H.O., states that the incident is said to have occurred on 31.10.2025 at 11:50 P.M. when unknown persons riding in a white car had fired in the premises of a residential school. Upon a complaint being given by the Manager of the said school, the police traced out the said car with the help of the CCTV footage from which it emerged that there was a white car which was involved in the incident. Thereafter, with the help of the CCTV footage, the police reached the premises where three white coloured cars were found which were got locked by the police. The complainant, on account of the said incident, was in fear and did not wish to lodge an F.I.R.

7. After the complainant was assured of being given security, the F.I.R. has been lodged on 03.11.2025, under Section 109(1) of the B.N.S., 2023 in which the investigation is being carried out against unknown persons.

8. Learned counsel for the petitioner has argued that once the police personnel had barged inside the house of the petitioner consequently, his life is under threat and, hence, has prayed to open the locks of the car as mentioned in paragraph 3 of the petition; to command the respondent No.5 to provide the copy of the F.I.R. and not to harass the petitioner and her family without following the due process of law.

9. Upon the same being pointed out, learned A.G.A. states that it is only one car which has been found to be involved in the crime and the locks of the other two cars have already been unlocked. The car involved in the crime has been taken away and put in the thana.

10. At this stage, learned counsel for the petitioner states that the Hon'ble Supreme Court in the case of **Youth Bar Association of India vs. Union of India and Another 2016 (9) SCC 473** has held that the copies of the F.I.R.s should be uploaded on the

police website.

11. The contention, on the basis of the averments contained in the supplementary affidavit filed by the petitioner, is that no F.I.R. in this regard is uploaded on the official website of the police department.

12. A perusal of the judgment of the Hon'ble Supreme Court in the case of **Youth Bar Association of India (supra)** would indicate that the Hon'ble Supreme Court has clearly carved out a distinction between general F.I.R.s and the F.I.R.s where the offence is sensitive in nature like sexual offences, offences pertaining to insurgency, terrorism and of that category, offences under the POCSO Act and such other offences, which are not to be uploaded on the website of the State.

13. The Hon'ble Supreme Court has further provided in para 11.8 of the said judgment that in case a copy of the F.I.R. is not provided on the ground of sensitive nature of the case, a person aggrieved by the said action, after disclosing his identity, can submit a representation to the Superintendent of the Police or any persons holding the equivalent post in the State. The Superintendent of Police shall constitute a committee of three officers which shall deal with the said grievance. As far as the metropolitan cities are concerned, where Commissioner is there, if a representation is submitted to the Commissioner of Police, he shall constitute a committee of three officers. The committee so constituted shall deal with the grievance within three days from the date of receipt of the representation and communicate to the aggrieved person.

14. Even though, after lodging of the F.I.R., the matter is under investigation and the authorities are still to arrive at a finding as to the persons who were riding on the said vehicle and to have done the incident of firing, as such, it is open for the petitioner to apply for a copy of the F.I.R. in terms of the directions issued by the Hon'ble Supreme Court in the case of **Youth Bar Association of India (supra)**. The competent authority while considering the said application would also consider as to whether the petitioner

would fall within the ambit of being an "aggrieved person" in terms of the aforesaid judgment and in case, after considering the aforesaid, the petitioner is found entitled for being given the copy of the F.I.R., an order in this regard would be passed.

15. It is needless to mention that the petitioner shall not be proceeded against without following the due process of law.

16. The writ petition stands **disposed of** in view of the observations made hereinabove.

November 10, 2025

S. Shivhare

(Mrs. Babita Rani,J.) (Abdul Moin,J.)