



2026:AHC:35264

## HIGH COURT OF JUDICATURE AT ALLAHABAD

### APPLICATION U/S 528 BNSS No. - 46108 of 2025

Azeem Ahmad Khan Alias Abeem Ahmad And  
Another

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite  
Party(s)

---

Counsel for Applicant(s) : Manoj Kumar Singh, Mohd. Shamim  
Counsel for Opposite Party(s) : G.A.

---

#### Court No. - 75

**HON'BLE SAURABH SRIVASTAVA, J.**

**1.** Heard Mr. Anil Srivastava, learned Senior Counsel assisted by Mr. Mohd. Shamim, learned counsel for applicants and learned AGA for State.

**2.** Present application has been preferred with following prayer:

*"...to quash entire criminal proceeding of Case no. 2828 of 2019 arising out of Case Crime no. 1055 of 2017 under sections 143, 188 IPC, (State vs. Jumman Khan and others), PS- Khalilabad, District Sant Kabir Nagar pending in court of learned Civil Judge (J.D.)/J.M. Sant Kabir Nagar."*

**3.** The instant application has been preferred for challenging entire proceeding of Case no. 2828 of 2019 arising out of Case Crime no. 1055 of 2017, wherein applicants have been implicated in pursuance to sections 143, 188 of IPC. After conducting detailed investigation over the charge sheet submitted by concerned Investigating Officer, *prima facie* considering that offence is made out, learned court of Civil Judge (Junior Division)/Judicial Magistrate, Sant Kabir Nagar took cognizance of offence by way of summoning applicants which rises cause of action in favour of the applicants for filing instant application.

**4.** While challenging entire proceeding which comprises the charge sheet dated 29.08.2017 and summoning order dated 27.05.2019 passed by learned concerned court, it has been argued by learned senior counsel at

the behest of applicants that applicants are having no criminal history and they are simply students and implication of the applicants is only on the basis of certain restraintment to perform *Namaz* in shape of worship of their own faith and belief but considering the law and order of the said place, they denied the suggestion made by concerned administration and deliberately performed *Namaz* over the same place which was not allowed by the administration.

**5.** Learned senior counsel further informed that the sections in which the applicants have been mechanically implicated are of most petty offences but at the same time, if the trial will continue, the same may adversely affect the future of the applicants wherein applicant no. 1 is student and aspirant for some higher class competitive examinations.

**6.** On previous occasion, in compliance to order dated 5.2.2026, learned AGA came up with the specific instructions, in respect of the applicants that there is hardly any criminal history credited in their favour but considering the maintenance of law and order, certain place were notified as not allowed to perform *Namaz* to the society to which applicants are belonging but in violation of the same instructions which have been issued by local administration just to maintain peace and harmony of the society, both the applicants deliberately insisted to perform *Namaz* over the same place which culminated into lodging FIR against the applicants along with other co-accused.

**7.** After having the arguments so raised by learned counsels for the parties, this Court is confined only to the prayer made at the behest of applicant nos. 1 and 2 and not for other co-accused and learned AGA already informed that there is hardly any criminal history credited against applicant nos. 1 and 2. Implication only on the basis of intention to perform *Namaz* over the same place which was not allowed for the time being by the administration, is slightly hampering the future of applicant no. 1 and is unjustified for implicating applicant no. 2 also in Case Crime no. 1055 of 2017. In the democratic set up of this country, which is secular in nature as per preamble of the Constitution citizens of every faith, belief of different caste, creed and religion has been ensured guarantee to follow their faith and belief as per their own rituals but at the

same time, considering the mixed culture of the society, certain yardstick and the suggestions in shape of direction issued by the local administration has to be followed by citizen of the country which is in the larger interest of the society for maintaining law and order as well as peace and harmony amongst the local resident.

**8.** Considering the arguments so raised by learned senior counsel in favour of the applicants, although entire proceeding of Case no. 2828 of 2019 arising out of Case Crime no. 1055 of 2017 under sections 143, 188 IPC, (State vs. Jumman Khan and others), PS- Khalilabad, District Sant Kabir Nagar comprising charge sheet dated 29.8.2017 and summoning order dated 27.05.2019 are hereby **quashed and set aside only in respect of applicants herein** but both the applicants are hereby **warned** to follow the instructions and the specific restraintment, if issued by the local administration in future which is always in the interest of the society at large for performing rituals of their own faith and belief in shape of worship as per their own custom.

**9.** The instant application u/s 528 BNSS stands **allowed** accordingly.

**(Saurabh Srivastava,J.)**

**February 17, 2026**

Shaswat