



**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. WRIT PETITION No. - 10823 of 2025

Ram Kewal Bharti @ Bablu And Others

.....Petitioner(s)

Versus

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

.....Respondent(s)

Counsel for Petitioner(s)	:	Upendra Kumar Sagar
Counsel for Respondent(s)	:	G.A.

Court No. - 11

**HON'BLE ABDUL MOIN, J.
HON'BLE MRS. BABITA RANI, J.**

1. Heard.

2. Instant petition has been filed praying for quashing of the FIR dated 17.08.2025 bearing no.0147 of 2025 under Sections 352, 351(3) of BNS 2023 and Sections 3 and 5(1) of the U.P. Prohibition of Unlawful Conversion of Religion Act, 2021, Police Station Dhammaur, District Sultanpur.

3. The contention of learned counsel for the petitioners is that from a perusal of the allegations as levelled in the FIR which has been lodged against all the petitioners by one Sri Manoj Kumar Singh it emerges that Sri Manoj Kumar Singh has stated that he received an information of the petitioners having called a prayer meeting and given out Bibles to various Dalits and poor persons including women and children and have tried to convert them. When the complainant along with others reached the prayer meeting, he found that the petitioners in their verandah had installed an LED and were preaching the tenets of Christianity and were converting the people.

4. The FIR has been lodged on 17.08.2025. The contention is that a patently false FIR has been lodged against the petitioners.

5. On the other hand, learned AGA states on the basis of instructions that the supplementary statement of one of the victims has been recorded on 25.10.2025 per which he had indicated that he was given allurement to change his religion although in his initial statement dated 04.09.2025 he did not indicate anything about conversion.

6. As observed by Hon'ble Supreme Court in the case of **Rajendra Bihari Lal and another vs. State of U.P. and others-2025 SCC OnLine SC 2265** Act, 2021 is a special Act. In case the FIR is being lodged under the provisions of the Act, 2021 obviously the authorities would have to strictly adhere to the provisions of the Act, 2021.

7. As already indicated above, the FIR has been lodged under the provisions of Sections 3 and 5(1) of the Act, 2021 as well as under Sections 352, 351(3) of BNS 2023.

8. Section 3 of the Act, 2021 reads as under:-

"3. (1) No person shall convert or attempt to convert, either directly or otherwise, any other person from one religion to another by use or practice of misrepresentation, force, undue influence, coercion, allurement or by any fraudulent means. No person shall abet, convince or conspire such conversion.

(2) If any person re-converts to his immediate previous religion, the same shall not be deemed to be a conversion under this Act."

9. Section 5(1) of the Act, 2021 gives the punishment of contravention of provisions of Section 3 of the Act, 2021.

10. Section 351(3) of BNS 2023 deals with committing the offence of criminal intimidation by threatening to cause death or grievous hurt while Section 352 of BNS 2023 deals with intentional insult with intent to provoke breach of peace.

11. From perusal of the FIR, it emerges that it is Sri Manoj Kumar Singh, who appears to have gone to the residence of the petitioners where the offence pertaining to the provisions of the

Act, 2021 and BNS 2023 have been committed.

12. From perusal of Section 3 of the Act, 2021, it emerges that no person shall convert or attempt to convert, either directly or otherwise, any other **person** from one religion to another by use or practice of misrepresentation, force, undue influence, coercion etc.

13. Thus, from a perusal of Section 3(1) of the Act, 2021, it clearly emerges that the conversion should be of a 'person' .

14. From perusal of the FIR it does not emerge that at the time of lodging of the FIR i.e. on 17.08.2025 any person had come forward indicating that he had been converted to any other religion. The FIR only indicates about an LED having been recovered and Bibles being allegedly distributed.

15. Learned AGA has failed to indicate and obviously would not be able to indicate that distribution of Bible is a crime. Further, even preaching of a religion has not been prescribed as a crime anywhere. Thus, the sine-qua-non to invocation of Section 3 of the Act, 2021 prima facie would be coming forward of a 'person' to allege that either he has been converted to any other religion or is being coerced or given some allurement to convert to some other religion which is patently missing at the time of lodging of the FIR. The supplementary statement has only been recorded subsequently i.e. on 25.10.2025 i.e. after a period of more than two months of the lodging of the FIR.

16. Interestingly, in the initial statement of Sri Ram Dev recorded on 04.09.2025 he has not indicated anything about any attempt being made to convert him or any allurement etc. having been given which has only come in the subsequent/supplementary statement recorded on 25.10.2025 wherein he has indicated about the allurement. Thus, it is apparent that the offence under the Act, 2021 as indicated in the FIR lodged on 17.08.2025 has only been supported after more than two months on 25.10.2025!

17. Interestingly, even the statement of wife of the witness Sri Ram

Dev namely Smt. Nisha had been recorded on 25.10.2025 i.e. after a period of more than two months of the date of the alleged incident indicating the accused asking the petitioners to convert.

18. Even more interesting is that fact that immediately on lodging of the FIR on 17.08.2025 the petitioner(s) have been arrested on the same date. As already indicated above, the statement of the alleged victim has been recorded more than two months later to indicate the alleged offence. Although an FIR is not expected to be an encyclopedia containing all the facts of the entire evidence rather it is only meant to set the criminal law in motion yet considering that the Act, 2021 is a special Act as such at least the authorities should have applied their mind to the fact that on the date the said incident is committed i.e. 17.08.2025 there was nothing to indicate the commission of the said offence. Thus, it is prima facie apparent that the authorities have bent themselves backward in order to arrest the petitioner(s) even though it is not known as to how the complainant had got information about any offence as alleged in the FIR having come to his knowledge. These are all strange facts which need to be explained by the authorities more particularly when it is the life and liberty of the petitioner(s) which is involved.

19. Upon the same being pointed out, learned AGA prays for and is granted four weeks time to file counter affidavit to which reply may be filed within next two weeks.

20. Issue notice to respondent no.4. Steps be taken within a week. He shall also file counter affidavit within the aforesaid time.

21. While filing counter affidavit the respondent no.4 would also indicate (a) as to from where he got the information of the petitioners being engaged in the offence for which the FIR has been lodged, (b) as to from where he managed to collect the people to accompany him to the house of the accused, (c) in case he barges into the house of a third person accompanied by several persons as to what offence has been committed by the petitioners

in trying to stop him from barging into their house and as to how the offence under Sections 352 and 351(3) of the BNS can be said to be made out against the accused, and (d) his criminal history, if any.

22. Considering that short question of law is involved in the matter list this case after expiry of the aforesaid period as fresh.

November 28, 2025

A. Katiyar

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