



2025:AHC-LKO:79698-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. WRIT PETITION No. - 11000 of 2025

Sabir Ali

.....Petitioner(s)

Versus

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

.....Respondent(s)

Counsel for Petitioner(s)	: Akhand Kumar Pandey, Abhishek Singh
Counsel for Respondent(s)	: G.A.

Court No. - 11

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

1. Heard Sri Abhishek Singh, learned counsel for the petitioner, Dr. V.K. Singh, learned Government Advocate assisted by Sri Anurag Verma, learned AGA appearing for respondents no.1 to 3, and Sri Anuj Kumar Gupta, learned counsel appearing for respondents no.5 to 8.

2. There is consensus at bar that the facts of the case have already been noted in detail in the order dated 20.11.2025. For the sake of convenience, the order dated 20.11.2025 is reproduced below:-

"1. Sri Alok Pandey, Advocate has filed a short counter affidavit today in Court on behalf of the respondents no. 5 to 8 which is taken on record.

2. Heard learned counsel for the petitioner, learned AGA appearing on behalf of the respondents no. 1 to 4 and Sri Alok Pandey, learned counsel appearing on behalf of the respondents no. 5 to 8.

3. Instant writ petition has been filed praying for quashing of the First Information Report dated 26.04.2025 registered as Case Crime No. 0081 of 2025 under Sections 5 (1), 8 (2) & 8 (6) of the Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021 (In short "Act, 2021") at Police Station- Jethwara District- Pratapgarh, a copy of which is annexure 1 to the writ petition.

4. *Contention of learned counsel for the petitioner is that the impugned First Information Report has been lodged by the respondent no. 4 i.e Sri Hemant Yadav, Sub Inspector presently posted at Police Station- Jethwara District- Pratapgarh in the capacity of being the informant under the aforesaid provisions of the Act, 2021.*

5. *Contention is that from a bare perusal of the impugned First Information Report it emerges that the petitioner has committed an offence under the provisions of the Act, 2021 i.e of having converted the private respondents to another religion.*

6. *It is contended that the aforesaid First Information Report has been lodged by the respondent no. 4 is patently false.*

7. *On the other hand, Sri Alok Pandey, Advocate who has filed a short counter affidavit today in Court on behalf of the respondents no. 5 to 8 states on the basis of averments contained in the short counter affidavit that the allegations as made in the impugned First Information Report are absolutely false, concocted, baseless and without any substance and no incident of religious conversion, inducement, allurement, pressure or coercion has ever taken place with the petitioner or with any of the other alleged victims.*

8. *It is further submitted that all the private respondents have already been following their religion, social custom and traditions as per their own free will, independently and without interference or pressure from any corner. At no point of time has any of them adopted any other religion as alleged in the impugned First Information Report nor has any such step ever been undertaken or considered by them.*

9. *Considering the aforesaid, it is thus apparent that a patently false First Information Report has been lodged by the respondent no. 4.*

10. *Upon the same being pointed out, learned AGA prays for granted a week's time to file a counter affidavit specifically adverting to the averments contained in the writ petition and also indicating about the averments as made in the short counter affidavit which patently belies the First Information Report which has been lodged by the respondent no. 4.*

11. Considering the prima facie false First Information Report which has been lodged by the respondent no. 4, let a personal affidavit of the Principal Secretary (Home), Lucknow be filed in this regard also indicating that in case the First Information Report is found to be false as to why the exemplary cost should not be imposed against the State inasmuch as it is an officer of the State who has lodged the impugned First Information Report.

12. Let the personal affidavit of the Principal Secretary (Home), Lucknow be filed within ten days.

13. Although learned AGA prayed for a week's time to file the personal affidavit of the Principal Secretary (Home), Lucknow yet the Court grants ten days time for filing of the personal affidavit of the Principal Secretary (Home), Lucknow.

14. This Court requires the personal affidavit of the Principal Secretary (Home), Lucknow inasmuch as the Court is already deluged with the other matters which are coming before this Court and once the First Information Report is being filed by an officer of the State which prima facie appears to be false as such, this is a fit case in which the highest officer should file his affidavit indicating as to why the aforesaid First Information Report has been lodged by an officer of the State although the allegations levelled in the said First Information Report are prima facie patently false. However, the aggrieved persons are constrained to approach this Court for the redressal of their grievances whereby spending their valuable money and time and at the same time, the precious judicial time of the Court is also wasted in dealing with such cases which could have been nipped in the bud by the State itself. As such, personal affidavit would also indicate that in case such frivolous cases continue to come to the highest Court of the State as to why exemplary cost should not be imposed against the authorities who have not applied their mind while lodging the First Information Reports under the Act, 2021.

15. List this case on 02.12.2025.

16. In case, the personal affidavit is not filed by the next date then the

Principal Secretary (Home), Lucknow shall appear in person along with records to assist the Court.

17. Till then, no coercive action shall be taken against the petitioner in pursuance to the impugned First Information Report.

18. It is also provided that the private respondents shall not be harassed in any manner by the respondents-authorities inasmuch as in case anything contrary is observed to the affidavit which has been filed by the private respondents then the Court may be compelled to take strict view of the matter."

3. In pursuance to the aforesaid order, the personal affidavit of the Principal Secretary (Home), Government of U.P. has been filed.

4. Even before the averments contained in the said personal affidavit could be considered by the Court, Dr. V.K. Singh, learned Government Advocate, states that the FIR itself may be quashed by this Court.

5. Considering the aforesaid statement made by Dr. V.K. Singh, learned Government Advocate, the writ petition is **allowed**. The FIR impugned dated 26.04.2025, a copy of which is Annexure-1 to the writ petition, is quashed.

6. Consequences to follow.

7. However, considering the detailed order of this Court dated 20.11.2025 a note of caution is issued to the State authorities that being the special Act and having it's stringent provisions the authorities should have to be more cautious in future while registering the FIRs in mimeographic style under the provisions of the Act, 2021.

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

December 2, 2025

A. Katiyar