



## HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 27968 of 2025

Shahid Raza And 2 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite  
Party(s)

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Counsel for Applicant(s) : Samarth Sinha, Shalini Mishra, Vijay Sinha  
Counsel for Opposite Party(s) : G.A.

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**Court No. - 76**

**HON'BLE VIKRAM D. CHAUHAN, J.**

1. Heard learned counsel for the applicants and learned AGA for the State.

2. This application has been filed by applicants for quashing the entire proceedings as well as impugned chargesheet dated 22.06.2024 alongwith the impugned summoning/cognizance order dated 10.07.2025 passed by Additional Chief Judicial Magistrate Ist in Case No. 2668 of 2025 arising out of Case Crime No. 253 of 2024, under Sections 323, 504, 506 I.P.C and 3/4 Muslim Women (Protection of Rights on Marriage), Police Station Naugawan Sadat, District Amroha (Jyotiba P Nagar), pending in the court of Additional Chief Judicial Magistrate Ist, Amroha.

3. It is submitted by learned counsel for the applicants that applicants are proceeded under Sections 323, 504 and 506 I.P.C. and under Section 3/4 Muslim Women (Protection of Rights on Marriage) Act, 2019. Learned counsel for the applicants further submits that applicants are Muslim belonging to Shia Community and there is no provision of any talaq by motion of triple talaq or talaq-e-biddat as defined in Section 2(c) of the Muslim Women (Protection of Rights on Marriage) Act, 2019. Learned counsel for the applicants further submits that as per the allegation in the first information report the applicant no. 1 has given triple talaq to the wife-opposite party no. 2. The triple talaq is not the acceptable form of talaq in the Shia sect of Muslim Law. It is further submitted by learned counsel for the applicants that triple talaq is not the acceptable form of

talaq in the Shia Community as has been observed in the judgment of the Supreme Court in **Suo Motu Writ (Civil) No. 2 of 2015 (In Re: Muslim Women's Quest for Equality Vs. Jamiat Ulma-I-Hind and Ors.)**. Paragraph no. 4 of the said judgment is quoted hereinbelow:-

*"4. Inasmuch as the Muslims in India are divided into two main sects, namely Sunnis and Shias, and this case pertains only to Sunnis as Shias do not recognize Triple Talaq, it is important to begin at the very beginning."*

4. Learned counsel for the applicants submits that allegation of talaq is without any basis and has no legal recognition. Learned counsel for the applicants further submits that applicants cannot be proceeded under Section 3/4 of the Muslim Women (Protection of Rights on Marriage) Act, 2019.

5. Matter requires consideration.

6. Issue notice to opposite party no.2.

7. Opposite parties may file counter affidavit within three weeks.

8. List this case on 12.12.2025.

9. Till the next date of listing, further proceedings in the aforesaid case shall remain stayed against the applicants.

**(Vikram D. Chauhan,J.)**

**September 18, 2025**

VMA