



**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. WRIT PETITION No. - 4373 of 2026

Rimjhim

.....Petitioner(s)

Versus

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

.....Respondent(s)

Counsel for Petitioner(s) : Sajjad Husain, Badar Iftikhar, Kulsoom
Firoz
Counsel for Respondent(s) : G.A.

Court No. - 11

**HON'BLE ABDUL MOIN, J.
HON'BLE PRAMOD KUMAR SRIVASTAVA, J.**

1. Heard.
2. Issue notice to respondent no. 5. Steps to be taken within a period of one week.
3. The respondents may file a counter affidavit(s) within a period of four weeks, to which a reply may be filed within a period of two weeks thereafter.
4. List thereafter.
5. Under challenge is FIR No. 53 of 2026 under Section 87 B.N.S., Police Station Lalia, District Balrampur.
6. The FIR has been lodged by the father of the petitioner contending that his daughter, who is the petitioner herein, has been kidnapped by certain unknown persons for the purpose of marriage.
7. Learned counsel for the petitioner contends that the very victim for whom the impugned FIR has been lodged by the father of the petitioner is the petitioner herself, who is before this Court. A specific averment has been made in paragraphs 7 to 9 of the writ petition that the petitioner has neither been abducted by any person, rather she has voluntarily left her parental home out of her own free will without any coercion, inducement, or undue influence, and that the petitioner is not in agreement with certain decisions that have been taken by her parents and, she being a major, is legally competent and fully entitled to make independent decisions regarding her life.

8. Further, the contention is that as the petitioner has left her parental home out of her own free will and accord, consequently, that does not entitle or give licence to the father of the petitioner to lodge the false FIR which has been lodged in this regard.

9. On the other hand, learned A.G.A. states, on the basis of instructions sent by Shri Vivek Kumar Srivastava, Circle Officer, Lalia, District Balrampur dated 10.05.2026, that during the course of investigation of the impugned FIR, the complicity of one Shri Niyaz Ahmed has emerged for offences under Sections 69, 115(2) and 351(2) of the B.N.S. 2023 read with Sections 3(1)(Da), 3(1)(Dha), 3(2)(Va) and 3(2)(v) of the SC/ST Act.

The instructions are taken on record.

10. It is rather strange that once the victim/petitioner for whom the impugned FIR has been lodged is before this Court stating that no offence has been committed against her, then in what manner respondent no. 5 has lodged the impugned FIR and on what basis the authorities have found the complicity of a person in the entire episode.

11. The matter is extremely serious and shocking, more particularly when the petitioner/victim states that no such incident as detailed in the FIR has ever occurred, while the authorities, during the course of investigation of the said FIR, have tried to rope in a particular person, and that too under serious offences under B.N.S. 2023.

12. Considering the aforesaid, the Court requires the Additional Chief Secretary (Home), Government of U.P., to file a personal affidavit indicating as to in what manner the investigation has been conducted in which, as has already been indicated above, the petitioner/victim states that no such offence as detailed in the FIR has ever occurred, while the authorities have roped in a particular person for the alleged offence and that too under serious sections of the B.N.S. 2023.

13. Let the personal affidavit be filed within two weeks indicating as to which officials of the department are responsible for the botched and malicious investigation which has been conducted by the authorities and as to what action is required to be taken against such officials of the department.

14. List this case on 13 July 2026.

15. In case the personal affidavit is not filed, the Additional Chief Secretary (Home), who shall appear in person along with the records before this Court.

16. Further, the complainant-respondent No.5 shall also appear in person on the said date to show cause as to why appropriate action be not directed to be taken against him for having lodged a fake and frivolous FIR.

17. Until further orders, the impugned FIR shall remain stayed.

(Pramod Kumar Srivastava,J.) (Abdul Moin,J.)

May 15, 2026
prateek