



**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. WRIT PETITION No. - 1436 of 2026

Aleem

.....Petitioner(s)

Versus

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

.....Respondent(s)

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

Court No. - 11

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

Heard learned counsel for the petitioner and learned AGA for the State-respondents.

The instant petition is once again indicating the FIR which has been lodged with allegations borrowed/influenced from movie scripts. The reasons why we say so are being elucidated hereinbelow.

Under challenge is the FIR dated 21.1.2026 lodged by respondent No.4 vide Case Crime No.0033 of 2026 under Sections 109(1) of BNS, 2023, Sections 3, 25 of Arms Act, 1959 and 3/5/8 of the U.P. Prevention of Cow Slaughter Act, 1955 at Police Station Tadiyawan, District Hardoi, a copy of which is Annexure-1 to the writ petition.

Learned counsel for the petitioner contends that from the allegations as levelled in the FIR, it emerges that the S.H.O. concerned/complainant received a video of cow slaughter having taking place. The video was being seen upon which a secret informer informed the complainant/SHO that the person in the video is a cow smuggler and previously also, the said person along with his associates have indulged in similar incidents. The informer also informed that the said person is going to commit another offence of the same nature nearby along with his associates. The complainant/SHO immediately contacted the other police personnel and reached the spot which was pointed out by the informer which was a semi constructed house situated adjacent to the road. The informer pointed out that certain animals are behind the said house and people are attempting to slaughter them. As the police personnel approached the house, somebody yelled out "*police aa gayi hai bhago*"; some other person yelled out"*police wale bina mare peecha nahi chodege*". It is alleged that someone fired on the police party and the Sub Inspector had a very narrow escape from the bullet so much so that "*kan ke pass se sann se*

goli nikal kar gayi". The complainant/SHO fired from the service revolver and somebody yelled out "*haye goli lag gayi*". Thereafter when the police personnel approached, they found one person lying on the ground who identified himself as Edu and stated that they had brought the progeny of the cow for slaughter. He had also been injured in his leg. He also stated that other persons including the petitioner had run away. Thereafter a video of the recovery was prepared and the progeny of cow was handed over to one Sri Chandrahas Mishra a resident of village Lalpur Bhisri, Police Station-Tadiyawan, District Hardoi.

Learned counsel for the petitioner states that from the perusal of the impugned FIR, it clearly emerges that it is the person who was shot, as specially admitted by him who had fired on the police personnel and he has also indicated that various persons, including the petitioner, had run away.

The contention is that none of the offences under the BNS or Arms Act, 1959 are made out against the petitioner. As the slaughter of the progeny of the cow was still to take place, consequently, none of the offences as indicated under Sections 3/5/8 of the U.P. Prevention of Cow Slaughter Act, 1955 are made out. In this regard, reliance has been placed upon the order passed by this Court in **Crl. Misc. Writ Petition No. 9567 of 2025 In Re: Rahul Yadav Vs. State of U.P. and others.**

Apart from the merits of the FIR, the reason why we have indicated the wordings of the FIR are that earlier too, a similar FIR had been challenged before this court in the case of **Akbar Ali Vs. State of U.P. and others (Crl. Misc. Writ Petition No. 1393 of 2026)** wherein primarily the same words had been used in the said FIR. Thus, this prima facie leads to the irresistible conclusion that the police personnel are either having a script in front of them and they are adopting it with a few minor changes here and there or else something is seriously wrong with the police personnel wherein such FIRs are being lodged left and right which appear to be borrowing the words from movie scripts. We need not say anything more at this stage.

Another strange aspect of the matter is that after recovery of the progeny of the cow, the same has been handed over to a private individual and that too at a substantial distance from the place of occurrence. It is not understood as to why the said progeny of the cow has been handed over to a private individual and under which provision of law.

At this stage, learned AGA also points out from the record that no separate recovery memo of the progeny of the cow has been prepared.

From the perusal of the allegations as levelled in the FIR, it prima facie

emerges that none of the offences under Sections 3/5/8 of the U.P. Prevention of Cow Slaughter Act, 1955 as well as the offences under the BNS or Arms Act, 1959 are made out against the petitioner .

Considering the aforesaid, the Court requires the Senior Superintendent of Police, Hardoi to file his personal affidavit indicating the aforesaid infirmities and incongruities as have been pointed out by the Court.

Let the personal affidavit be filed within three weeks.

List thereafter along with **CrI. Misc. Writ Petition No. 1393 of 2026** (Akbar Ali Vs. State of U.P. and others) on 20.3.2026.

Till the next date of listing, no coercive action shall be taken against the petitioner pursuant to the impugned FIR.

In case the said personal affidavit is not filed, Superintendent of Police, Hardoi shall appear in person on the next date of listing along with the record to assist the Court.

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

February 19, 2026

AKK