



**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. WRIT PETITION No. - 2962 of 2026

Mohd. Faizan (In Fir Faizan Ahmad) And Others

.....Petitioner(s)

Versus

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

.....Respondent(s)

Counsel for Petitioner(s)	:	Manoj Kumar Singh
Counsel for Respondent(s)	:	G.A.

Court No. - 11

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

1. Heard learned counsel for the petitioners and learned AGA for respondents no.1 to 3.
2. Issue notice to respondent no.4. Steps be taken within a week.
3. Instant petition has been filed praying for quashing of the FIR bearing no.0066/2026 under Sections 87, 69, 351(3) of B.N.S. 2023 and Sections 3 & 5(1) of the Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021, Police Station Kotwali Nagar, District Bahraich.
4. From perusal of the allegations as levelled in the impugned FIR it emerges that the respondent no.4 has lodged the said FIR by contending that his daughter has been enticed away by the petitioner no.3 with the assistance of other petitioners. It has been alleged that there is every likelihood of the petitioners trying to change the religion of the complainant's daughter and to force her to marry. It has also been alleged that all the persons as named in the FIR are harassing the complainant and his wife and are forcing them to change their religion.
5. Disputing the allegations as levelled in the impugned FIR and vehemently contending the same to be totally false the instant petition has been filed.
6. Learned AGA has produced the statement of the alleged victim recorded under Section 183 of BNSS 2023 on 09.04.2026 per which she has indicated that she is major aged about 18 years. She is in love with petitioner no.3 since last three years. She has further stated that her religion has not been changed neither the petitioner has married her nor has established physical relations with her neither the petitioner no.3 or his relatives have coerced the victim to change her religion. She has further stated that she wants to reside with

petitioner no.3 and her religion has not been changed. She has also prayed in her statement that the members of the Hindu Organizations should not harass her or her relatives.

7. Needless to mention that the statement under Section 183 of BNSS 2023 is recorded before the learned Magistrate. Once the statement of the alleged victim had been recorded on 09.04.2026 which patently belies the allegations as levelled in the impugned FIR it was the duty of the Investigating Officer to have proceeded accordingly. However, for reasons best known, the Investigating Officer took a peculiar turn as emerges from a perusal of the Case Diary No.9 dated 10.04.2026 per which the Investigating Officer has recorded that after perusal of the statement of the victim under Section 183 of BNSS 2023 no case of rape is made out and consequently Section 69 of BNS 2023 has been dropped. However, the matter has been proceeded further for investigation under Sections 87, 351(3) of BNS 2023 and 3/5(1) of the Act, 2021 against three persons. Why we use the words 'peculiar turn' is that when from the statement of the alleged victim none of the offences as indicated under Sections 87, 351(3) of BNS 2023 and 3/5(1) of the Act, 2021 emerged and that statement, as already indicated above, has been recorded before the learned Magistrate which also finds place in the version of the Investigating Officer the requirement of further investigation by the Investigating Officer is not understood. Prima facie, it emerges that the Investigating Officer is acting under pressure or is 'persuaded' by some other factors. We need not say anything more at this stage.

8. The statement of the victim vis-a-vis the allegations as levelled in the FIR gives rise to a disturbing trend which is being noticed time and again by the courts of law pertaining to FIRs being lodged by third parties under the provisions of the Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021 (hereinafter referred to as the 'Act, 2021'). The statement of the victim itself indicates that she is apprehensive of her safety and the safety of her relatives after her statement being recorded and she being apprehensive of being harassed and troubled by the various Organizations.

9. This is a disturbing trend which has crept in the society now and which has also been indicated by Hon'ble Supreme Court in the case of **Rajendra Bihari Lal vs State of U.P. & Ors. : 2025 SCC OnLine SC 2265**.

10. Considering the aforesaid, the Court thus requires the respondent no.4 to appear in person on the date fixed and explain as to why action be not taken against him for having lodged prima facie a patently false, fake and frivolous FIR.

11. The Additional Chief Secretary(Home), Government of U.P. shall also file his personal affidavit indicating as to what action is being taken in such cases where FIRs are being lodged left and right under the provision of the Act 2021 and subsequent thereto the FIRs turned out to be patently fallacious whereby spending valuable time of the authorities in chasing such FIRs which do not even have any legs to stand on.

12. The personal affidavit shall be filed by the Additional Chief Secretary (Home) within the aforesaid period of time, the matter to be listed on 19.05.2026.

13. In case the personal affidavit is not filed, the Additional Chief Secretary (Home) shall appear in person along with the records to assist the Court.

14. Till then, the petitioners shall not be arrested in pursuance of the said FIR.

15. Further, considering the statement of the victim as recorded under section 183 of the BNSS, adequate State security shall be extended both to the petitioners as well as the victim and her family members, which shall be provided within three days from today.

16. The personal affidavit to be filed by the Additional Chief Secretary (Home) should also indicate about the compliance of this order including providing of security to the persons as indicated above.

April 13, 2026
A. Katiyar

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