



**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.

Along with :

1. Criminal Misc. Writ Petition No. 1393 of 2026:

Akbar Ali

Versus

State of U.P. Thru. Secy. Home Deptt. Lko. and others

Court No. - 11

HON'BLE ABDUL MOIN, J.

HON'BLE PRAMOD KUMAR SRIVASTAVA, J.

1. In pursuance of the earlier orders of this Court personal affidavits of the Superintendents of Police concerned filed today are taken on record.
2. The matter pertains to 'Scripted FIRs" being lodged across the State.
3. The Superintendent of Police, District Hardoi has defended the F.I.R. and the "script", as has been used in the F.I.R.. As already indicated in the said order that it is indeed a strange coincidence that the scripts are being used for lodging the FIRs, if nothing more. In the connected petition, namely, Criminal Misc. Writ Petition N. 1393 of 2026 in Re: Akbar Ali Vs. State of U.P. and others, the FIR has been lodged at Jarwal Road, Bahraich and coincidentally the said FIR has also used a similar script. The distance between Hardoi (to which instant petition relates) and Bahraich is more than 150 Kilometers and it is indeed strange that primarily the same script has been used in two different FIRs in different police stations situated at a substantial distance! This may require a further investigation.
4. Learned A.G.A. further states that the Provisions of Section 105 of the B.N.S.S., 2023 were duly complied with while taking possession of the property.
5. A perusal of the impugned F.I.R. in the case of Aleem (supra) and Akbar Ali (supra) would indicate that in both the FIRs one of the accused has been shot at by the authorities in their leg. Incidentally, in the case of Aleem (supra) the accused has been

shot at in his right leg while in the case of Akbar Ali (supra) he has been shot in his left leg. Thus, prima facie both the cases fall within the ambit of there being an encounter and the accused having suffered grievous injuries.

6. With regard to encounters, Hon'ble the Supreme Court in the case of **People's Union for Civil Liberties (PUCL) and another vs. State of Maharashtra - (2014) 10 SCC 635**, has issued detailed guidelines, which are applicable both where the encounter has either resulted in death or grievous injuries, such encounters have been viewed suspiciously by Hon'ble Supreme Court and in order to get over the said suspicion, the said guidelines have been issued. In the personal affidavits, filed in both cases, though the Superintendent of Police of the respective districts have justified the FIR and the allegations made in the said FIR as being gospel truth yet the said personal affidavits are silent as to whether the guidelines of Hon'ble Supreme Court in the case of **PUCL (supra)** have been adhered to.

7. This Court in the case of **Raju alias Raj Kumar Vs. State of U.P.- 2026:AHC:21111** has also prescribed the guidelines to be followed in the case of grievous injuries to the accused in the police encounter which, for the sake of convenience, are reproduced below:

"i. If in pursuance to any information, police party reached at the spot and encounter takes place wherein fire arm is used by the police party and as a result accused or any other person received grievous injury then an FIR to that effect shall be registered by the head of the police party involved in the police encounter in the same police station or adjoining police station but investigation of said FIR shall be conducted by CBCID or police team of any other police station under the supervision of senior police officer at least one level above the head of police party engaged in the police encounter.

ii. In the FIR, name of the members of police party involved in encounter is not required to be mentioned in the category of accused/suspect but only the team whether STF or regular police could be mentioned.

iii. Injured criminal/victim should be provided medical aid and his/her injury should be examined and thereafter his/her statement should be recorded either by the Magistrate or Medical Officer with certificate of fitness of injured.

iv. After complete investigation into incident of police encounter, report should be sent to the competent court who will follow the procedure as mentioned in the judgement given by the Apex Court in PUCL's case (supra).

v. Out of turn promotion or gallantry award shall not be given to the officer of the police party soon after occurrence of police encounter. It must be ensured that such reward are given or recommended only when gallantry reward of person is established beyond doubt by a committee constituted by the police head.

vi. If the family of the injured in police encounter finds that the above procedure has not been followed or there exists lack of independent investigation or pattern of abuse or impartiality by any of the functionaries then he may make a complaint to the Sessions Judge having territorial jurisdiction over the place of incident of police encounter. Upon receiving the said complaint, the concerned Sessions Judge shall look into the merit of the complaint and redress the grievance raised therein.

14. In view of above discussion as well as assurance of the Director General of Police, this Court further directs that in case, it is found that police officer in any district has not followed abovementioned guidelines of the Apex Court laid down in PUCL's case (supra) regarding police encounter where death or grievous injury occurred, not only the persons who was leading the police team involved in police encounter but District Police Chief whether SP/SSP/Commissionerate Police would be liable for contempt of court apart from disciplinary proceedings instituted by the police department. "

8. Considering the aforesaid, let concerned Superintendent of Police filed their personal affidavits indicating the incongruities as have been pointed out by this Court in this order and also explaining the strange coincidence of primarily same wording of FIRs being filed in two districts situated at a distance of more than 150 Kilometers to each other. The said personal affidavits would also indicate as to whether the guidelines as laid down by Hon'ble Supreme Court in the case of **PUCL (supra)** as well as **Raju alias Raj Kumar (supra)** have been followed and the manner in which they have been followed. In case the said guidelines have not been followed in letter and spirit as to why action should not be initiated against the responsible officials keeping in view the directions issued by Hon'ble Supreme Court and this Court.

9. Let the personal affidavits be filed within three weeks, failing which Superintendent of Police of the respective districts would appear in person along with records to assist the Court.

10. **List this case on 21.05.2026.**

11. Interim order, if any, in the instant writ petition as well as in connected writ petition, shall continue till the next date of listing.

12. In the meanwhile, it would be open for the petitioner(s) to file their objections to the personal affidavits filed today.

April 16, 2026
Arvind

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