



HIGH COURT OF JUDICATURE AT ALLAHABAD
MATTERS UNDER ARTICLE 227 No. - 12231 of 2025

Mohammad Kafeel

.....Petitioner(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Petitioner(s)	:	Kamaluddin Khan
Counsel for Respondent(s)	:	G.A.

Court No. - 88

HON'BLE VINOD DIWAKAR, J.

1. Supplementary affidavit, handed over by the learned counsel for the petitioner in the court, has been taken on record.
2. Heard learned counsel for the petitioner and learned A.G.A. for the State.
3. The instant petition has been preferred against the order dated 18.3.2025, passed by the learned Additional Sessions Judge, Court No.12/Special Judge, Etawah, in Criminal Revision No.131 of 2024, whereby the order dated 22.3.2024, passed by the Chief Judicial Magistrate, Etawah, was affirmed, and the revision was dismissed, whereby the petitioners' prayer for summoning for police officers were declined in a complaint case.
4. In compliance with the order(s) passed by this Court, the petitioner has filed two supplementary affidavits dated 13.11.2025 and 19.11.2025, respectively. Learned A.G.A. for the State has filed a compliance affidavit giving details of the criminal antecedents of the petitioner and his brothers.
5. The affidavit dated 13.11.2025, filed by the petitioner suggests that three cases have been registered against the petitioner by the police and the details are outlined herein: **(i)** FIR No.0023 of 2023, under Sections 506, 504, 323 IPC, P.S. Kotwali, District Etawah registered on 26.1.2023, **(ii)** FIR No.0358 of 2023, under Sections 120-B, 506, 384, 406, 471, 468, 467, 420 IPC, P.S. Kotwali, District Etawah registered on dated 22.12.2023, **(iii)** FIR No. 0159 of 2024, under Section 3/2 U.P. Gangsters Act, P.S. Kotwali, District Etawah registered on dated 31.5.2024. The affidavit further discloses that the petitioner is a practising advocate in the District Court and registered with the Bar Council of Uttar Pradesh vide Enrollment No. UP01413/2022 dated

10.2.2022 and also a life-time member of the District Bar Association vide Membership No.913 of 2024 dated 26.9.2024, a copy of which has been annexed as Annexure-2 to the supplementary affidavit.

6. The petitioner has also placed reliance upon **(i)** the order dated 19.6.2024, passed in Criminal Misc. Writ Petition No. 10331 of 2024, titled Kafeel v. State of U.P. & 3 Ors. wherein the Division Bench of this Court stayed the petitioner's arrest in Case Crime No.0159 of 2024, under Section 2/3 of U.P. Gangsters and Anti Social Activities (Prevention) Act, 1986, P.S. Kotwali, District Etawah, **(ii)** order dated 11.3.2024, whereby the petitioner has been enlarged on anticipatory bail by the coordinate Bench of this Court in Case Crime No. 358 of 2023, under Sections 420, 467, 468, 471, 406, 384, 506, 120-B IPC registered at P.S. Etawah, District Etawah, and **(iii)** order dated 6.2.2023, passed by learned Additional District and Sessions Judge, Etawah whereby the petitioner has been enlarged on regular bail in Case Crime No. 23/2023, under Section 323, 504, 506, 325, 326, 324 IPC, P.S. Kotwali, District Etawah.

7. The affidavit dated 19.11.2025, filed by the petitioner, contains **(i)** a copy of the complaint dated 14.11.2025 made to SSP Etawah against Ct. Ravindra, who is stated to be working in Crime Branch U.P. Police, alleging that on 13.11.2025 at around 10:40 p.m., the petitioner was assaulted by the police at the Egg Selling Stall near railways station while he was eating a boiled egg, along with other allegations of threatening, beating, punching, and snatching the phone of the petitioner; **(ii)** a copy of FIR No. 0223 of 2025, under Section 115(2), 352, 351(3) BNSS, registered at P.S. Civil Lines, Etawah on 16.11.2025; on the complaint of constable Ravindra against the petitioner, concerning the incident on 13.11.2025 that occurred at 10:30 p.m. The FIR alleges that the petitioner and his brother abused, threatened, and given beating by constable Ravindra near Raja Egg Stall close to the railway station; **(iii)** a request letter to the SSP Etawah to preserve CCTV footage of the place of incident occurred on 16.11.2025; **(iv)** a injury report dated 18.11.2025, issued by Dr. Bheem Rao Ambedkar Hospital, Etawah, of constable Ravindra Kumar, and **(v)** a complaint dated 18.11.2025 to SSP Etawah, urging the local police to follow the directions of the Supreme Court and the Human Rights Commission regarding the investigation of the aforementioned FIR.

8. The affidavit filed by the Inspector posted at P.S. Kotwali, District

Etawah, discloses that, as per the DCRB report, the applicant is involved in three cases, detailed herein above. It is further revealed that the petitioner and his brothers are named in following cases. The details are delineated below:

(1) Shakeel, son of Mohd. Iqbal Kuraishi and brother of the applicant, r/o Urdu Mohalla, P.S. Kotwali, District Etawah has been named in **(i)** Case Crime No.99 of 2025, under Section 3/5/8 of the Prevention of Cow Slaughter Act, registered at P.S. Kotwali, **(ii)** case crime no. 203 of 2023, under Sections 147, 323, 504, 506 IPC, registered at P.S. Kotwali, **(iii)** case crime no. 439 of 2016, Section 13 of Public Gambling Act, registered at P.S. Kotwali, **(iv)** case crime no. 495 of 2021, under Section 5/8 of Cow Slaughter Act, registered at P.S. Kotwali, **(v)** case crime no. 125 of 2022, under Sections 147, 332, 353, 504, 506 IPC, registered at P.S. Civil Lines, **(vi)** case crime no. 230 of 2013, under Section 323, 448, 504, 506 IPC, registered at P.S. Kotwali, **(vii)** case crime no. 471 of 2010, under Section 384, 323, 427, 452, 504, 506 IPC, registered at P.S. Kotwali.

(2) Naushad, son of Iqbal Kuraishi, r/o Urdu Mohalla, has been named in **(i)** case crime no. 698 of 2015, under Sections 147, 148, 323, 352, 504, 506 IPC, registered at P.S. Kotwali, **(ii)** case crime no.207 of 2016, under Section 498, 506 IPC, registered at P.S. Kotwali, **(iii)** case crime no. 764 of 2016, under Section 376D IPC and Section 3/4 of the POCSO Act, registered at P.S. Kotwali, **(iv)** case crime no. 203 of 2023, under Section 147, 323, 504, 506 IPC, registered at P.S. Kotwali.

(3) Akeel son of Iqbal Kuraishi r/o Urdu Mohalla, P.S. Kotwali, District Etawah has been named in **(i)** case crime no. 203 of 2023, under Sections 147, 323, 504, 506 IPC, registered at P.S. Kotwali, **(ii)** case crime no. 230 of 2013, under Sections 323, 448, 504, 506 IPC, registered at P.S. Kotwali, **(iii)** case crime no. 471 of 2010, under Sections 384, 323, 427, 452, 504, 506 IPC, registered at P.S. Kotwali, **(iv)** case crime no. 419 of 2015, under Sections 364, 504, 506 IPC, registered at P.S. Kotwali, **(v)** case crime no.675 of 2019, under Section 13 Gambling Act, registered at P.S. Kotwali, **(vi)** case crime no. 358 of 2023, under Section 120-B, 384, 406, 420, 467, 468, 471, 506 IPC, registered at P.S. Kotwali, **(vii)** case crime no. 52 of 2024, under Section 504, 506 IPC, registered at P.S. Kotwali, **(viii)** case crime no. 159 of 2024, under Section 2/3 Gangsters Act, registered at P.S. Kotwali, **(ix)** case crime no. 348 of 2009, under sections 325, 323, 504, 506 IPC,

registered at P.S. Kotwali.

(4) Faizan @ Guddan son of Ikbal Kuraishi r/o Urdu Mohalla, P.S. Kotwali, Distrit Etawah has been named in **(i)** case crime no. 203 of 2023, under Sections 147, 323, 504, 506 IPC, registered at P.S. Kotwali, **(ii)** case crime no. 275 of 2023, under sections 323, 341, 504, 506 IPC, registered at P.S. Civil Lines, **(iii)** case crime no. 23 of 2023, under Sections 323, 324, 325, 326, 504, 506 IPC, registered at P.S. Kotwali, **(iv)** case crime no. 52 of 2024, under Section 504, 506 IPC, registered at P.S. Kotwali.

(5) Dilshad son of Ikbal Kuraishi r/o Urdu Mohalla, P.S. Kotwali, Distrit Etawah has been named in **(i)** case crime no. 203 of 2023, under Section 147, 323, 504, 506 IPC, registered at P.S. Kotwali, **(ii)** case crime no.275 of 2023, under Section 323, 341, 504, 506 IPC, registered at P.S. Civil Lines, **(iii)** case crime no. 23 of 2023, under sections 323, 324, 325, 326, 504, 506 IPC, registered at P.S. Kotwali, **(iv)** case crime no. 698 of 2015, under sections 147, 148, 323, 352, 504, 506 IPC, registered at P.S. Kotwali, **(v)** case crime no. 760 of 2019, under Section 147, 148, 153-A, 186, 188, 332, 352 IPC and Section 7 CLA, registered at P.S. Kotwali, **(vi)** case crime no. 164 of 2015, under section 394, 411 IPC, registered at P.S. Vedpura, **(vii)** case crime no. 15 of 2016, under section 3/25 Arms Act, registered at P.S. Vedpura.

(6) Kafeel son of Ikbal Kuraishi r/o Urdu Mohalla, P.S. Kotwali, Distrit Etawah has been named in **(i)** case crime no. 23 of 2023, under Sections 323, 324, 325, 326, 504, 506 IPC, registered at P.S. Kotwali, **(ii)** case crime no. 358 of 2023, under section 120-B, 384, 406, 420, 467, 468, 471, 506 IPC, registered at P.S. Kotwali, **(iii)** case crime no. 159 of 2024, under section 2/3 Gangsters Act, registered at P.S. Kotwali.

9. Upon examining the affidavits, it stands admitted that the petitioner is implicated in three criminal cases, and that all his brothers are identified as hardened criminals. In these circumstances, this Court considers it necessary to assess the extent to which the petitioner's involvement in such criminal proceedings may bear upon his professional integrity. This evaluation is essential to determine whether his conduct could in any manner affect the functioning of the courts and whether he would be capable of discharging his professional duties in a fair and credible manner.

10. Article 227 vests the High Court with the power of superintendence over

all courts and tribunals within its territorial jurisdiction. In its judicial dimension, the jurisdiction of the High Court is supervisory in nature and is exercised to ensure that subordinate courts and tribunals function within the bounds of their lawful authority, follow procedure established by law and adhere to the principles of natural justice. The High Court may intervene where there is a jurisdictional error, procedural irregularity, perversity in findings, patent illegality or grave dereliction of duty resulting in miscarriage of justice.

11. Thus, judicial superintendence under Article 227 operates as a constitutional safeguard to protect the purity of the justice-delivery system. While the jurisdiction is extraordinary and discretionary, it must be exercised effectively where intervention is necessary to secure justice and to prevent miscarriage of justice across the hierarchy of subordinate courts.

12. This Court has taken note of the fact that the functioning of the District Judiciary has, on several occasions—though not always—been adversely affected due to the conduct of certain advocates with criminal antecedents appearing before the court. It has further come to the Court's notice that in many districts, advocates who possess criminal backgrounds and are facing serious criminal charges are occupying positions of authority within the respective District Bar Associations.

13. The legal system derives its strength not merely from statutory provisions or judicial precedents, but from the moral legitimacy that flows from public confidence in its fairness and integrity. Advocates and office-bearers of Bar Associations occupy a unique institutional position—being both officers of the court and custodians of professional ethics. Their conduct is therefore inseparably tied to legality and professionalism.

14. It is correct that, until a court of law awards a conviction, every individual is presumed to be innocent. Nevertheless, an individual's conduct and antecedents undeniably bear upon both personal and professional integrity. Crime originates in thought, and thought influences conduct; therefore, when individuals facing serious criminal allegations hold positions of influence within the legal system, there exists a legitimate concern that they may improperly exert influence over police authorities and judicial processes while operating under the cloak of professional legitimacy.

15. Such situations—even if infrequent—pose a potential threat to the rule of

law. Any circumstance that has the effect or tendency of undermining public confidence, and courts working in the impartial administration of justice, warrants close scrutiny. This Court is duty-bound to ensure that even the slightest threat to the rule of law is addressed with sensitivity and seriousness so that the faith of the common citizen in the justice delivery system remains unshaken.

16. In order to achieve the aforesaid objective and arrive at a logical conclusion, certain necessary details are required to be placed before this Court. Therefore, without entering into or expressing any opinion on the merits of the present case at this stage, this Court finds it appropriate to call for the relevant information before proceeding further. Accordingly, all Commissioners/ SSP/ SP, Uttar Pradesh, through the Director General of Police, and all Joint Directors (Prosecution)/ SPP's through the Director General of Police (Prosecution), are directed to furnish, at the earliest, comprehensive details of criminal case (s) pending against advocates enrolled with the Bar Council of Uttar Pradesh in *tabular format*. The concerned officers shall be at liberty, and it is left to their discretion (wisdom), to furnish any additional information that may be necessary to achieve the aforesaid objective. Such information, if required, may also be submitted in a sealed cover, either directly before the Court or through the Registrar General of this Court.

17. The information shall include, *inter alia* **(i)** date of registration of FIR with respective Crime Number(s), and penal provisions, **(ii)** name of police station concerned, **(iii)** present status of investigation, and date of conclusion of investigation, if concluded; **(iv)** date of filing of charge-sheet, **(v)** date of framing of charge, and **(vi)** details of prosecution witnesses examined thus far, and current status of trial.

18. The particulars relating to the police shall be submitted by Director General of Police by summoning the aforesaid information from respective districts, and prosecution side information shall be submitted by the Director General of Police (Prosecution) by summoning aforesaid information from the respective Joint Director (Prosecution) or the SPP^s. The Home Department shall ensure that the required information is furnished timely.

19. Any lackadaisical approach by the administration shall be viewed seriously.

20. Registrar (Compliance) is directed to communicate a copy of this order forthwith to the Director General of Police, Uttar Pradesh, Director General of Police (Prosecution), who in turn shall immediately forward it to the respective districts for timely compliance. ACS(Home) shall also be communicated for ensuring effective compliance.

21. Put up on 9.12.2025 at 3:00 pm.

November 26, 2025

A. Tripathi

(Vinod Diwakar,J.)