



2026:AHC:83206-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 3203 of 2026

(Along with Criminal Misc. Writ Petition No. 4128 of 2026)

Aleena *alias* Aleena
Parveen and another

.....Petitioner(s)

Versus

State of U.P. and others

.....Respondent(s)

Counsel for Petitioner(s) : Mr. Shiv Shanker Mishra, Advocate
Counsel for Respondent(s) : Mr. Chandra Vijai Singh, Advocate
for respondent no. 3
Mr. Shashi Shekhar Tiwari,
Additional Government Advocate
for the State-respondents

RESERVED

Court No. - 47

**HON'BLE J.J. MUNIR, J.
HON'BLE TARUN SAXENA, J.**

(Delivered by Justice J.J. MUNIR)

This judgment will dispose of the motion to admit the present Criminal Misc. Writ Petition and the connected Criminal Misc. Writ Petition No. 4128 of 2026 to hearing, both of which arise out of a common First Information Report giving rise to crimes, that are being investigated together.

2. This writ petition was initially instituted by two petitioners, to wit, Aleena *alias* Aleena Parveen and Shabiya, seeking to quash the First Information Report¹ dated 22.01.2026, giving rise to Case Crime No. 21 of 2006, under Sections 3 and 5(1) of The Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021², Police Station Bilari, District Moradabad. The connected writ petition, being Criminal Misc. Writ Petition No. 4128 of 2026, also impugns the same FIR.

3. When this petition came up first before a Division Bench of this Court comprising Hon'ble Rajiv Gupta and Hon'ble Achal Sachdev, JJ., the first petitioner, Aleena *alias* Aleena Parveen withdrew the writ petition, whereas, the second petitioner, Shabiya pressed it. Their Lordships, *vide* order dated 12.02.2026, while dismissing this writ petition at the instance of Aleena *alias* Aleena Parveen as withdrawn, issued notice pending admission to the respondents and granted stay of arrest to the second petitioner, Shabiya. The connected writ petition came up before us on 30.03.2026. It was connected to the leading petition, albeit with an incorrect number, later on corrected, wherein, no interim order was passed. Both the petitions have now come up for admission.

4. Heard Mr. Shiv Shanker Mishra, learned Counsel for the petitioner in support of the motion to admit this petition to hearing, Mr. Chandra Vijai Singh, learned Counsel appearing for respondent no. 3 and Mr.

1 'FIR' for short

2 'Act of 2021' for short

Shashi Shekhar Tiwari, learned Additional Government Advocate appearing on behalf of the State. Mr. Tiwari has placed the Case Diary before us, but not filed any counter affidavit.

5. Mr. Ashutosh Upadhyay, Advocate, has been heard in support of the connected writ petition, where, Mr. Chandra Vijai Singh, Advocate has appeared on behalf of respondent no. 3, whereas Mr. Shashi Shekhar Tiwari has been heard on behalf of the State. Here too, the Case Diary has been carefully perused.

6. According to FIR, lodged by respondent no. 3, who is the brother of the victim, it is said that his sister is a student of Class XII, who goes to take tuitions to the Shahukunj Colony, Moradabad. At the tuition classes, other girls also read along with the victim. These girls are Muslims, and they, by alluring his sister, compel her to wear a veil (*burqa*). They also compel her to accept their religion, that is to say, Islam. Amongst these girls, one is Aleena *alias* Aleena Parveen, a resident of Village Rustamnagar, Sahaspur, Bilari, Moradabad, besides four other students, whose names are Malishka, Shabiya, Riyasha and Jauhara. The informant says, in the closing lines, that he suspects some deep conspiracy behind this activity, which should be thoroughly investigated. The said FIR was registered on 22.01.2026 at 11:30 *ante meridiem* at Police Station Bilari, Moradabad, under Sections 3 and 5(1) of the Act of 2021.

7. Learned Counsel for the petitioners argues that the impugned FIR carries general and omnibus allegations of conversion against the petitioners, without specifying any date, time and place of specific acts done to that end. It is urged that the impugned FIR is based on the first informant's imagination. It is for this reason that he has not mentioned details of the name and age of the accused.

8. It is urged by learned Counsel for the petitioner in the leading petition that respondent no. 3 was harassing Aleena *alias* Aleena Parveen and used to follow her out of college. On 17.01.2026, the said respondent stopped her and proposed. When this happened, the petitioner as well as the other students, who are co-accused, informed the third respondent's sister and also made a complaint to the Principal of the College. It is for this reason that the third respondent has lodged the impugned FIR with a concocted story, that has not a grain of truth to it. It has been lodged for the sole purpose of wreaking vengeance. Learned Counsel for the petitioner also points out that the petitioner is a young girl, aged just 18 years and a student of Class XII. She had to write her Class XII examinations, that would commence on 18.01.2026. She is unable to concentrate on her studies on account of the mammoth distraction, which this FIR brings in the form of severe psychological disturbance. It is particularly emphasised that there has been no conversion or attempted conversion of the victim to Islam, and the impugned FIR has been lodged *mala fide*.

9. Mr. Ashutosh Upadhyay, learned Counsel for the petitioner in the connected matter has pressed his motion on similar grounds and added that pending admission, co-accused Shabiya has been granted interim stay of arrest. He further argues that the thrust of the allegations are against co-accused Aleena *alias* Aleena Parveen, who has not pressed the petition, and not against the petitioner in this matter or the others. He has drawn our attention to the statement of the victim, Kumari Mahima, recorded under Section 180 of the Bharatiya Nagarik Suraksha Sanhita, 2023³ to submit that she has said that she is friends with Aleena, and the others, that is to say, the petitioner here, besides the three others, are Aleena's friends. Learned Counsel for the petitioner has endeavoured to impress that whatever was the act, that led to the crime being registered, is referable to Aleena alone, and not the petitioner here.

10. Mr. Chandra Vijai Singh, learned Counsel for respondent no. 3 in both the petitions and Mr. Shashi Shekhar Tiwari, learned Additional Government Advocate appearing for the State-respondents have opposed the motion to admit the writ petitions to hearing. They submit that a clear case for the offence charged is disclosed, which requires thorough investigation by the Police.

11. Since the FIR giving rise to the present crime alleges an attempted unlawful conversion of the victim, Kumari Mahima, in violation of the provision of Sections 3 and 5(1) of the Act of 2021, with a very brief

3 'BNSS' for short

description of the occurrence, we summoned the Case Diary and perused the same.

12. The statement of the victim recorded by the Police under Section 180 BNSS, and that before the learned Judicial Magistrate under Section 183 BNSS have been perused by us. We think that the victim's statement under Sections 180 and 183 BNSS are essential in order to decide whether a case worth admitting the writ petitions and granting interim stay of arrest pending hearing of the writ petitions or quashing the FIR is made out. The victim, in her statement under Section 180 BNSS, says that she is a student of Class XII. The incident is one dated 20.12.2025, when she, along with her five friends - all Muslims, went to attend their coaching classes at Shahukunj Colony, located in Town Bilai, Moradabad. On the fateful day, they had finished attending classes at one coaching center, and the other had a holiday. Her friends invited the victim over to some snacks in a hotel. Aleena, according to the victim, had brought along a veil (*burqa*). Aleena asked the victim to wear the *burqa*, which she declined. Thereupon, all the accused forced it down her neck. Then, they said that somebody was approaching and pushed her behind a tree. They then made her wear the *burqa* all the way. All the accused took her along for a meal/refreshment. It is also stated by the victim, in the statement under Section 180 BNSS, that all these friends of hers bring along non-vegetarian food and allure her to eat it. When she refuses to partake of it, they tell her to eat the gravy. It is next said that Aleena asks her to adopt

Islam as her faith. The victim has said that Aleena was her friend, and the other co-accused were friends of Aleena. Their names were Zehra, Rimsha, Shabiya and Malishka. The victim, in her statement under Section 183 BNSS before the learned Judicial Magistrate, has substantially said that on 20.12.2025, there was a holiday for their coaching institute. Her friend Aleena, along with her friends, whom Aleena wanted to be the victim's friends as well, made her wear a veil (*burqa*). All of them then proceeded to a certain Anand Restaurant and ate Spring Roll, Chowmein, besides partaking of Pepsi Cola. The five girls had earlier also told her that their religion was good. The victim stated that she did not at all tell her mother and father about it, because Aleena had forbidden her from doing so. The victim said that Aleena was apparently trying to brainwash her. She said that she had lost her faculty to think. The victim has candidly said that they never asked her to recite the *kalma* or fast. Aleena would plan, together with the other four co-accused, and they would make the victim say that their religion was good. They would tell her that Quran can be read in forty days. They would also tell her that there was freedom in their religion. After wearing the veil (*burqa*), they could go anywhere. It is then said in the statement that the victim told them that she too had complete freedom at home, except indulging in any wrongdoing.

13. On 20.12.2025, Aleena went along with the victim and brought a veil (*naqab*) and a stole. She had no money to pay for it, and therefore,

asked the victim to pay, which she did, for friendship's sake. She asked the victim to place the veil in her own bag, which she would take back from the victim the following day. They took the veil from the victim, together with the stole and tied it to her face. The victim protested, but they would not listen. After making her wear the veil, they took her to restaurant. The victim has said that she wants action to be taken against the accused for attempting to convert her.

14. We notice from the Case Diary that the victim was caught on a Closed-Circuit Television (CCTV) camera, located in an alley, where, she was forced to wear the veil (*burqa*) by the petitioner and the other co-accused, including Aleena, who has withdrawn her writ petition. The CCTV camera was installed on the premises of one Rajeev son of Mahipal. He had taken the data from the recorder into his mobile phone and handed over the device to the Police, along with a certificate dated 24.01.2026, under Sections 63(4)(c) of the Bharatiya Sakshya Adhiniyam, 2023, as the person In-charge of the device, where the video was recorded. There are lots of material in the Case Diary, where the investigation still appears to be under progress. The details regarding the prosecution that appear and the materials collected during investigation *prima facie* disclose a case that requires to be thoroughly investigated. The submissions advanced by learned Counsel for the petitioners that it is a *mala fide* FIR, is absolutely not borne out by the record. There is no FIR earlier lodged that it was the third respondent who was stalking or

harassing Aleena or had proposed to her. Quite apart, the stand of the victim before the learned Judicial Magistrate cannot be trashed. It carries all the necessary facts, which would *prima facie* attract the provisions of Section 3 and 5(1) of the Act of 2021.

15. We must be alive to the situation that the Act of 2021 was enacted to curtail an emergent situation in society, where, certain persons go about not professing or propagating their religion, but thrusting it upon others in the belief which somehow makes it to their mind the religion they believe in must be followed by others. If this kind of a trend comes to be seen amongst young people, it is all the more disturbing. This is time in their lives when they should be thinking more towards developing their skills in different fields of education and dedicate themselves in the service of the society and the nation. The Act of 2021 was brought to curtail this emergent mischief, which is heard from different quarters in the country these days, and, of which, we must take judicial notice. A statute, that is enacted to curtail an emergent mischief, if stopped in its tracks at the very early stages of its enforcement, would bog down the statute and frustrate its purpose. This does not mean that false implications under a new statute are to be encouraged, but, at the same time, the purpose, for which the statute has been enacted, cannot be subverted by snuffing out prosecutions brought on tangible materials at the threshold.

16. A look at Section 3 of the Act of 2021 shows that there could be multiple grounds, on the foot of which, conversion from one religion to another by others becomes a crime. Amongst them, figures undue influence and allurement. Allurement has been defined under Section 2(a) of the Act of 2021, under its three sub-clauses in the widest terms. Whether the petitioners' acts constitute allurement or undue influence are questions premature to be examined in a petition to quash the FIR. As investigation proceeds and material surfaces, it would have to be seen in the first instance by the investigator, and if one or more of the accused are charge-sheeted, by the Court, whether a case is ultimately established.

17. In the totality of circumstances, we do not find it to be a fit case where we ought interdict investigation and quash the impugned FIR.

18. In the result, both the petitions **fail** and are **dismissed**.

19. The interim order dated 12.02.2026 passed in the present petition is **vacated**.

20. The Registrar (Compliance) is directed to communicate this order to the Principal Secretary (Home), Government of Uttar Pradeesh, Lucknow through the learned Chief Judicial Magistrate, Lucknow. Let this order be also communicated to the Senior Superintendent of Police, Moradabad and the Station House Officer, Police Station Bilari,

Moradabad, both through the learned Chief Judicial Magistrate,
Moradabad.

(TARUN SAXENA, J.) (J.J. MUNIR, J.)

April 16 , 2026

I. Batabyal

Whether the order is speaking : Yes

Whether the order is reportable : Yes