



2025-10-19 11:11:11

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. WRIT PETITION No. - 27314 of 2025

Moinuddin @ Jammu And 2 Others

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Kamta Prasad, Mahesh Prasad Yadav
Counsel for Respondent(s)	: Durga Prasad, G.A.

Court No. - 47

HON'BLE RAJEEV MISRA, J.

HON'BLE DIVESH CHANDRA SAMANT, J.

1. Heard Mr. Kamta Prasad, the learned counsel for petitioners, the learned A.G.A. for State-respondents 1 & 2 and Mr. Durga Prasad, the learned counsel representing first informant-respondent-3.

2. Perused the record.

3. Petitioners-Moinuddin @ Jammu and 2 Others have approached this Court by means of present criminal misc. writ petition challenging the FIR dated 19.10.2025 lodged by first informant-respondent-3 Arshad and registered as Case Crime No. 0369 of 2025, under Sections 308(5), 324(2), 352, 351(3), 326(e), 3219(3) BNS, Police Station-Maudaha, District-Hamirpur.

4. At the very outset, the learned A.G.A. for State-respondents 1 & 2 submits that after completion of statutory investigation of aforementioned case crime number in terms of Chapter-XIII BNSS, Investigating Officer has forwarded the charge sheet/police report dated 10.04.2026 in terms of Section 193(3) BNSS. By means of aforesaid charge sheet/police report, petitioner-1 Moinuddin @ Jammu has been charge sheeted, whereas petitioner-2 Rehana Bano & petitioner-3 Alkisha have been exculpated. In view of above, it is thus urged by the learned A.G.A. that present writ petition insofar as it relates to petitioners 2 & 3 and has now been rendered infructuous. However, in respect of petitioner-1, the learned A.G.A. contends that in view of the subsequent developments as noted herein above, now remedy lies to petitioner-1 to approach this Court by means of an application under Section 528 BNSS challenging aforementioned charge sheet/police report as well as the cognizance taking order/summoning order to be passed by the Jurisdictional Magistrate in exercise of jurisdiction under Section 210 BNSS. It is thus urged by the learned A.G.A. that in view of above, present writ petition is liable to be dismissed.

5. When confronted with above, the learned counsel for petitioners fairly submits that in view of the submissions made by the learned A.G.A., present writ petition be dismissed as withdrawn with liberty to petitioner-1 to approach this Court by filing an application under Section 528 BNSS.

6. Learned A.G.A. for State-respondents 1 & 2 and Mr. Durga Prasad, the learned counsel representing first informant-respondent-3 have no objection to the aforesaid prayer made by the learned counsel for petitioners.

7. Having heard the learned counsel for petitioners, the learned A.G.A. for State-respondents 1 & 2, Mr. Durga Prasad, the learned counsel representing first informant-respondent-3, upon perusal of record and considering the objections raised by the learned A.G.A. in opposition to present writ petition as noted herein above, the present writ petition shall stand dismissed as withdrawn with liberty aforesaid.

8. Interim order, if any, stands vacated.

March 19, 2026

Vinay

(Divesh Chandra Samant,J.) (Rajeev Misra,J.)