HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 1049 of 2025

Sajan And 3 Others

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Sharad Kumar Srivastava
Counsel for Respondent(s)	:	G.A.

Court No. - 47

HON'BLE RAJEEV MISRA, J.
HON'BLE DR. AJAY KUMAR-II, J.

1. Case is called out in revised list.

2. Even though the name of Mr. Sharad Kumar Srivastava, is duly published in the cause list as counsel for petitioners, however, neither he nor anyone on his behalf is present to press the present writ petition, even in revised call.

3. Learned A.G.A. representing State/respondents 1 and 2 is present.

4. Perused the record.

5. Petitioners- Sajan and three others have approached this Court by means of present Criminal Misc. Writ Petition challenging the FIR dated 29.12.2024 lodged by first informant/ respondent-3, Rajrani and registered as Case Crime No. 216 of 2024, under Sections 304, 342, 452 IPC, Police Station Sultanpur Ghosh, District Fathepur

6. Present writ petition came up for admission on 31.01.2025 and this court passed the following order:

" 1. Heard learned counsel for the petitioners and learned A.G.A. for the State-respondents.

2. The present writ petition has been preferred with the prayer to quash the impugned First Information Report dated 29/12/2024 registered as Case Crime No.216 of 2024, under Sections 304, 342, and 452 of the IPC, at Police Station Sultanpur Ghosh, District Fatehpur and with a further prayer not to arrest the petitioners in pursuance of the impugned F.I.R.

3. The impugned FIR alleges that on 14/11/2023, at around 4:00 PM, the

petitioners, along with others, entered the informant's house, armed with sticks and iron rods. They assaulted her husband, Gulab Raidas, causing serious injuries, which led to his death. The complainant claims that her husband was beaten severely, suffering a head injury and internal injuries, after which he became unconscious and later died.

4. The petitioners have filed this writ petition seeking the quashing of the FIR, stating that the accusations are false and baseless. Learned counsel for the petitioners submits that the death of Gulab Raidas was not due to any assault but was caused by natural causes, specifically heart failure, which is corroborated by the postmortem report. He contends that the FIR was filed with an ulterior motive and is the result of a dispute over the construction of a wall between the parties. He argues that no criminal offense was committed, as the deceased's death was due to cardiogenic shock, not due to any assault by the petitioners. He asserts that the petitioners have been falsely implicated due to the ongoing dispute and that the FIR is an abuse of the legal process. He further argues that the alleged incident took place on 14.11.2023 and as an afterthought just to pressurize and harass the petitioners, the impugned FIR has been lodged with a much delay of more than one year on 29.12.2024. He submits that till date no police report has been submitted against the petitioners.

5. Learned A.G.A. states on instructions that investigation is in progress.

6. Matter requires consideration.

7. Issue notice to the respondent No.3 returnable within six weeks. Steps be taken within a week.

8. All the respondents may file counter affidavit within six weeks. Petitioners shall have a week thereafter to file rejoinder affidavit. List immediately thereafter.

9. Considering the facts and circumstances of the case, as an interim measure, it is provided that till the next date of listing or till submission of police report u/s 173(2) Cr.P.C. (now Section 193(3) of Bhartiya Nagarik Suraksha Sanhita, 2023), whichever is earlier, respondents are restrained to arrest the petitioners pursuant to the impugned FIR, subject to cooperation in the on-going investigation."

7. Upon perusal of order sheet, we find that interim order dated 31.01.2025 was never extended. As such, no interim order is operating in favour of petitioners in present writ petition. Apart from above, by means of interim order dated 31.01.2025, only limited protection was granted to the petitioner inasmuch as only arrest of petitioners was stayed and not investigation of concerned case crime.

8. Considering the fact that the impugned FIR was lodged on 29.12.2024 and a period of more than one year and almost 10 months have expired since then, in all probability, the investigation of concerned case crime must have been brought to its logical conclusion.

9. In view of above, we are of the opinion that by efflux of time the present writ petition has been rendered infructuous.

10. It is accordingly, **dismissed** as having rendered infructuous.

11. Interim order, if any, shall stand vacated.

October 27, 2026
Monika

(Dr. Ajay Kumar-II,J.) (Rajeev Misra,J.)

Digitally signed by :-
MONIKA KESARWANI
High Court of Judicature at Allahabad