HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 1807 of 2025

Rajeshwar Singh

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Arun Kumar Srivastava, Priyanka Srivastava
Counsel for Respondent(s)	:	G.A.

Court No. - 47

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

Case called out in revised list.

Even though the names of Mr. Arun Kumar Srivastava, Priyanka Srivastava are duly published in the cause list as counsel for petitioners but neither they nor anyone on their behalf is present to press this writ petition even in revised call.

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

Perused the record.

Petitioners- Rajeshwar Singh has approached this Court by means of present writ petition challenging the impugned F.I.R. dated 24.12.2024, lodged by first informant, respondnet-4 Rahul Kumar and registered as Case Crime No. 380 of 2024, under sections 471, 419, 467, 420, 468, 406 IPC Police Station- Shyamdewrawn, District-Maharajganj.

Present writ petition came up for admission on 11.2.2025 and this Court passed the following order:

"1. Heard learned counsel for the petitioner and learned A.G.A. for the State.

2. The relief sought in this petition is for quashing of the F.I.R. dated 24.12.2024, registered in case crime no.380 of 2024, under sections 417, 419, 467, 420, 468, 406 IPC, P.S. Shamdewrawn, District Maharajganj.. Further prayer has been made not to arrest the petitioners in the aforesaid case.

3. Learned counsel for the petitioner submits that the petitioner is manager of the Institution, Smt. Anarkali Inter College, Rajpur, Kshetra, Partwal, District Maharajganj, which is duly recognized institution having 700 students. The informant, who is cousin of the petitioner had filed a complaint before the District Inspector of Schools, Maharajganj qua the institution of the petitioner with malicious intention alleging that the said institution has encroached the public utility land. On the said

complaint, the District Inspector of Schools, Maharajganj has enquired about the status of the institution and submitted its report on 08.08.2023. On the basis of which, the Joint Director of Education Gorakhpur, Region, Gorakhpur referred the matter to the Additional Secretary, Board of High School and Intermediate Education, Gorakhpur, thereafter, the instant criminal proceeding has been initiated against the petitioner, which is pure misuse of process of law. He further submitted that till date no proceeding under Section 67 of U.P. Revenue Code has been drawn against the petitioner. He also submitted that the present first information report is nothing but a tactics to create pressure upon the petitioner and give colour to the civil dispute. In support of his submission, he has placed reliance on the judgement of Apex Court in Criminal Appeal No.932 of 2021 (Randheer Singh vs. the State of UP and ors) decided on 02.9.2021 as well as order dated 26.10.2021 passed in Criminal Appeal no.1285/2021 (Mitesh Kumar Jha vs. The State of Karnataka) and order dated 25.10.2021 passed in Criminal Appeal no.1393/2011 (Ramawatar vs. State of Madhya Pradesh) and submits that the Court must ensure that criminal prosecution is not used as an instrument of harassment or for seeking private vendetta or with an ulterior motive to pressurize the accused.

4. The matter requires consideration.

5. Learned AGA has accepted notice on behalf of State-respondent nos.1 to 3. Issue notice to respondent no.4 returnable at an early date. Steps may be taken within a week.

6. All the respondents are accorded three weeks time to file counter-affidavit. The petitioner will have one week thereafter to file rejoinder affidavit. List immediately thereafter.

7. Till the next date of listing or till submission of the police report under Section 193 (3) of Bhartiya Nagrika Suraksha Sanhita, 2023, whichever is earlier, the respondents are restrained to arrest the petitioner pursuant to the impugned F.I.R. subject to cooperation in the on-going investigation. "

Aforesaid interim order was lastly extended for a period of four weeks on 7.7.2025, vider order dated 7.7.2025. As such, no interim order is operating in present writ petition.

Considering the above and also the fact that the F.I.R. impugned in present writ petition was lodged on 24.12.2024 and a period of one year ans ten months having expired since then, in all probability the Investigating Officer upon completion of statutory investigation of concerned case crime no must have submitted the police report.

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

It is accordingly dismissed as having rendered infructuous.

Interim order, if any, shall stand vacated.

October 29, 2026
Arshad

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

Digitally signed by :-
ARSHAD MAHMOOD
High Court of Judicature at Allahabad