HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 2446 of 2025

Smt Shiv Shakti And 6 Others

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Prabhat Chandra Mishra
Counsel for Respondent(s)	:	G.A.

Court No. - 47

HON'BLE RAJEEV MISRA, J.
HON'BLE JAI KRISHNA UPADHYAY, J.

1. Case called out in revised list.

2. Even though the name of Mr. Prabhat Chandra Mishra, Advocate is duly published in the cause list as counsel for petitioners but neither he nor any one on his behalf is present to press present writ petition.

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

4. Perused the record.

5. Petitioners- Smt Shiv Shakti And 6 Others have approached this Court by means of present Criminal Misc. Writ Petition with the following prayer:-

"(i) Issue writ order or direction in the nature of certiorari for quashing the impugned First Information Report dated 10.09.2024 as Case Crime No. 638 of 2024, Under Section 316 Bhartiya Nyay Sanhita, 2023, Police Station Dibiyapur, District Auraiya. (Annexure No.1 to the writ petition).

(ii) Issue a writ, order and direction in the nature of mandamus commanding and directing to the respondents not to arrest to the petitioners/applicants in pursuance of the impugned First Information Report dated 10.09.2024 as Case Crime No. 638 of 2024, Under Section 316 Bhartiya Nyay Sanhita, 2023, Police Station Dibiyapur, District Auraiya lodged by the respondent no.4.

(iii) Issue any other suitable writ, order, direction as this Hon'ble Court, may deem just and proper under the circumstances of the present case.

(iv) To award the costs of the writ petition in favour of the petitioners."

6. Present writ petition came up for admission on 10.02.2025 and this Court passed the following order:-

"1. Heard Sri Prabhat Chandra Mishra, learned counsel for the petitioners and learned A.G.A. for the State respondents.

2. The relief sought in this petition is for quashing the F.I.R. dated 10.09.2024 registered as Case Crime No.638 of 2024 under Section 316 of Bhartiya Nyay Sanhita, 2023, Police Station Dibiyapur, District Auraiya. Further prayer has been made not to arrest the petitioner in the aforesaid case.

3. In support of his submission, learned counsel for the petitioners states that the aforesaid FIR registered as Case Crime No.638 of 2024 has also been challenged by the co-accused by filing Criminal Misc. Writ Petition No.17262 of 2024 (Ashutosh Singh vs. State of UP and 3 others) in which an interim protection has been granted by this Court on 25.09.2024. He further states that the other co-accused has also filed a separate Criminal Misc. Writ Petition No.856 of 2025, wherein an interim relief has also been accorded by this Court. He submits that similar indulgence may also be accorded in the present matter.

4. Connect along with Criminal Misc. Writ Petition No.17262 of 2024 (Ashutosh Singh vs. State of UP and 3 others) and Criminal Misc. Writ Petition No.856 of 2025.

5. Till the next date of listing or till submission of the police report under Section 173 (2) Cr.P.C. (now 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. "

7. On the matter being taken up, the learned A.G.A. for State-respondents 1, 2 and 3 submits that during the pendency of present writ petition the Investigating Officer upon completion of statutory investigation of aforemementioned case crime number in terms of Chapter XII Cr.P.C., has submitted the charge sheet/police report dated 24.02.2025.

8. In all probability, the jurisdictional magistrate must have taken cognizance

upon aforementioned charge sheet/police report.

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.

October 5, 2026
Imtiyaz

(Jai Krishna Upadhyay,J.) (Rajeev Misra,J.)

Digitally signed by :-
IMTIYAZ AHMAD
High Court of Judicature at Allahabad