2026:AHC:210419-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 5793 of 2025

Surendra @ Murli And Another

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Jalaj Kumar Tripathi, Praveen Kumar 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 names of Mr. Jalaj Kumar Tripathi and Mr. Praveen Kumar Mishra are duly published in the cause list as counsel for petitioners however neither they nor any one on their behalf is present to press this writ petition even in revised call .

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

4. Petitioners-Surendra @ Murli And Another have approached this Court by means of present Criminal Misc. Writ Petition challenging the F.I.R. dated 25.03.2024 lodged by first informant-respondent-3, Sri Shivraj and registered as Case Crime No.95 of 2024 under Sections 336, 304 of I.P.C., Police Station- Subhash Nagar, District-Bareilly.

5. Present writ petition came up for admission on 15.04.2025 and this Court passed the following order:

"1. Heard learned counsel for the petitioners and learned AGA for State.

2. The present writ petition has been preferred with the prayer to quash the impugned First Information Report dated 25.03.2024 registered as Case Crime No.95 of 2024, under sections-336, 304 IPC and Police Station- Subhash Nagar, District- Bareilly and for a direction to the respondents not to arrest the petitioner in pursuance of impugned First Information Report.

3. Learned counsel for the petitioners submits that the petitioners are not

named in the F.I.R.. They have been implicated in this case on the statement of one Dhan Devi, who is sister-in-law of the petitioners and they have been assigned role of causing injuries to the deceased by brick and stones. There is no such allegation against the petitioners in F.I.R.

4. Matter requires consideration.

5. Issue notice to respondent no. 3.

6. Steps be taken within a week.

7. All the respondents may file counter affidavit within period of four weeks. Petitioner may file rejoinder affidavit within two weeks.

8. List this case after six weeks.

9. Till the next date of listing or till cognizance is taken by court on police report submitted under Section 173(2) Cr.P.C.,/193(3) B.N.S.S., the respondents are restrained from arresting the petitioners pursuant to the First Information Report, subject to cooperation in ongoing investigation. "

6. Upon perusal of impugned F.I.R., we find that the impugned F.I.R. giving rise to present writ petition was lodged on 25.03.2025. As such a period of more than one year and 8 months has rolled by from the date of lodging of the F.I.R. In the interregnum, the requisite police report/final report must have submitted by the concerned Investigating Officer against petitioner. It is on account of this reason that the learned counsel for petitioner have not responded even in revised call.

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

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

9. Interim order, if any, granted earlier shall stand vacated.

October 6, 2026
Imtiyaz

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

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