HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 6176 of 2025

Anita Pandey And 2 Others

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Anil Kumar Dubey
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. Anil Kumar Dubey is duly published in the cause list as counsel for petitioners however neither he nor any one on his 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-Anita Pandey And 2 Others have approached this Court by means of present Criminal Misc. Writ Petition challenging the F.I.R. dated 13.03.2025 lodged by first informant-respondent-3, Smt. Suman Devi and registered as Case Crime No.0165 of 2025 under Sections 419, 420, 467, 468, 471, 406, 504, 506, 323, 427 of I.P.C., Police Station- Cantt., District-Gorakhpur.

5. Present writ petition came up for admission on 04.04.2025 and this Court passed the following order:

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

2. The relief sought in this petition is for quashing of the F.I.R. dated 13-03-2025 registered as Case Crime No. 0165 of 2025, under Sections 419, 420, 467, 468, 471, 406, 504, 506, 323, 427 IPC, P.S. Cantt. district Gorakhpur. Further prayer has been made not to arrest the petitioner in the aforesaid case.

3. Learned counsel for the petitioners contends that the dispute between the parties is purely civil in nature. It is submitted that petitioner no.3,

Dilip Kumar Pandey, executed a registered sale deed on 31.07.2016 in favor of respondent no.3 for plot/gata no. 242/1/1/1M, measuring 1200 square feet (111.5241 square meters), for a total consideration of Rs. 8 lakhs, allegedly paid through cheque no. 860382 for Rs. 4 lakhs and cheque no. 860383 for Rs. 4 lakhs, both drawn from Bhartiya State Bank, Bhatparrani, District Deoria. However, disputes later arose regarding the payment and possession of the land, leading petitioner no.3 to file Original Suit No. 1413 of 2024 before the Civil Judge, Junior Division, Gorakhpur, on 08.08.2024, seeking cancellation of the sale deed executed on 27.08.2016. Instead of resolving the matter through proper civil proceedings, respondent no.3 has falsely implicated the petitioners by lodging the instant F.I.R. He submits 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 A.G.A. has accepted notice on behalf of the State-respondents.

6. Issue notice to the respondent no.3 returnable at an early date.

7. Steps be taken within a week by ordinary process as well as by registered post.

8. All the respondents may file counter affidavit within six weeks. Petitioners shall have two weeks thereafter to file rejoinder affidavit.

9. List thereafter.

10. 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 petitioners pursuant to the impugned F.I.R. subject to co-operation in the ongoing investigation. "

6. Upon perusal of record, we find that impugned F.I.R. was lodged against

petitioner on 13.03.2025. On date a period of more than 1 year and 7 months has already been expired since then. In all probability, Investigating Officer upon completion of statutory investigation in terms of Chapter XIII BNSS must have submitted the police report/charge sheet in terms of Section 193(3) of BNSS, therefore, we are of the view that, by efflux of time present writ petition has been rendered infructuous.

7. As a result, present writ petition fails and is liable to be dismissed as having 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