HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 4790 of 2024

Pravesh Kumar Yadav And 2 Others

.....Petitioner(s)

Versus

State Of Up And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Pawan Kumar Shukla
Counsel for Respondent(s)	:	Chandra Shekhar Garg, G.A., Raj Kumar Vaishya

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Court No. - 47

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

1. Heard Mr. Pawan Kumar Shukla, the learned counsel for petitioners, the learned A.G.A. for State-respondents 1, 2 & 3 and Mr. Sachin Srivastava, Advocate holding brief of Mr. Raj Kumar Vaishya, the learned counsel representing first informant-respondent-6.

2. Perused the record

3. Petitioners-Pravesh Kumar Yadav and 2 Others have approached this Court by means of present criminal misc. writ petition challenging the FIR dated 25.02.2024 lodged by first informant-respondent-6, Arti Yadav and registered as Case Crime No. 26 of 2024, under Sections 494, 504 IPC, Police Station-Shivkuti, District-Prayagraj.

4. Present writ petition came up for admission on 10.04.2024 and this Court passed the following order;-

"Heard learned counsel for the petitioners, Sri Abhishek Mishra, Advocate holding brief of Sri Chandra Shekhar Garg, learned counsel for respondent no.6 and learned A.G.A for the State.

Learned counsel for the petitioners has relied upon the judgment dated 01.02.2026 of this court passed in the Crl. Misc. Writ Petition No.10312 of 2015 - Vikarant Sharma and six others Vs. State of U.P. and two others and has submitted that first information report has been lodged in this case in abuse of process of law. Complaint ought to have been

filed in view of Section 198 Cr.P.C.

Learned A.G.A opposed the submission of counsel for the petitioner.

Matter requires consideration.

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

List this case after six weeks.

Till the next date of listing or till cognizance is taken by court on police report submitted under Section 173(2) Cr.P.C., whichever is earlier, the respondents are restrained from arresting the petitioners pursuant to the First Information Report dated 05.02.2024, registered as Case Crime No. 39 of 2024, under Sections- 420, 467, 468, 471, 147, 384, 323, 504, 506, 427 IPC, Police Station- Prem Nagar, District- Bareilly, subject to cooperation in ongoing investigation."

5. On the matter being taken up, the learned A.G.A. for State-respondents 1, 2 & 3 submits that during pendency of present writ petition, Investigating Officer upon completion of statutory investigation of aforementioned case crime number in terms of Chapter-XII Cr.P.C., has already forwarded the final report/police report dated 21.02.2025 in terms of Section 173(2) Cr.P.C. As such, no cause of action now survives to petitioners to maintain present writ petition. In view of above, the present writ petition is liable to be dismissed as having rendered infructuous.

6. When confronted with above, the learned counsel for petitioners could not overcome the same.

7. Having heard the learned counsel for petitioners, the learned A.G.A. for State-respondents 1, 2 & 3, the learned counsel representing first informant-respondent-6, upon perusal of record and considering the submissions urged by the learned A.G.A., we find that no cause of action now survives to petitioners to maintain the present writ petition.

8. In view of above, the present writ petition fails and is liable to be

dismissed as having rendered infructuous.

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

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

October 5, 2026
Vinay

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

Digitally signed by :-
VINAY KUMAR
High Court of Judicature at Allahabad