2026:AHC:208080-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 7418 of 2025

Sarvachan Singh

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ranjana Singh, Harish Chandra, Navin Singh
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 the revised list.

2. Even though the names of Mr. Harish Chandra, Navin Singh and Ranjana Singh are duly published in the cause list as counsel for petitioner, but neither they nor anyone on their behalf is present to press the present writ petition even in revised call.

3. Learned AGA representing State respondents 1 and 2 is present.

4. Perused the record.

5. Petitioner Sarvachan Singh has approached this Court by means of present criminal miscellaneous writ petition challenging the impugned FIR dated 20.03.2025 lodged by first informant-respondent 3 Rajendra Kumar and registered as Case Crime No. 0162 of 2025 under Section 420, 467, 468, 471, 386, 506 and 120-B IPC, Police Station - Hapurnagar, District - Hapur.

3. Present writ petition came up for admission on 18.04.2025 and this Court passed the following order.

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

2. The relief sought in this petition is for quashing of the F.I.R. dated 20.3.2025 registered as Case Crime No.0162 of 2025, under Sections 420, 467, 468, 471, 386, 506 and 120-B IPC, Police Station Hapurnagar, District Hapur. Further prayer has been made not to arrest the petitioner in the aforesaid case.

3. Learned counsel for the petitioner submits that petitioner has no complicity in the instant case. The whole prosecution story is totally false and frivolous and the petitioner has been falsely implicated with ulterior motive and mala-fide intention. He further contends that the impugned FIR is misuse of process as more over on the same

set of fact, the informant has lodged the earlier compliant which was registered as Compliant No. 1068 of 2024 (Rajendra Kumar vs. Rajeev @ Kalu and others), under Section 392, 452, 504 and 506 IPC, P.S. Hapurnagar, District Hapur and the same was dismissed by the court below on 19.10.2024. While lodging the first information report, the material aspect has been concealed even the petitioner had also initiated the proceeding earlier and lodged a compliant which was registered as Compliant Case No. 315 of 2018 (M/s Raj Trading Co. vs. M/s Durga Trading Co.) under 138 NI Act, P.S. Hapur Dehat, District Hapur. Learned counsel further states that inordinate delay of seven years has not been satisfactorily explained, meanwhile much water has flowed.

4. The matter requires consideration by this Court.

5. Issue notice to the respondent No.3 returnable at an early date.

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

7. All the respondents may file counter affidavit within four weeks. Petitioners shall have one week, thereafter, to file rejoinder affidavit.

8. List thereafter.

9. Considering the facts and circumstances of the case as briefly discussed above, as an interim measure, till the next date of listing or till submission of police report u/s 193(3) B.N.S.S., whichever is earlier, the respondents are restrained from arresting the petitioner pursuant to the impugned FIR, subject to cooperation in the on-going investigation."

6. Learned AGA has filed counter affidavit on behalf of respondents 1, 2 and 3 to which rejoinder affidavit has already been filed.

7. On the matter being taken up, learned AGA submits that during pendency of the present writ petition, Investigating Officer, upon completion of statutory investigation of the aforementioned case crime number in terms of Chapter XII CrPC, has forwarded the police report/chargesheet dated 17.05.2025 in terms of Section 173(2) CrPC. Since a period of more than one year and seven months has rolled by, we are of the view that cognizance in terms of Section 190(1)(b) CrPC must have been taken by the jurisdictional Magistrate upon aforementioned chargesheet. As such, the present writ petition has been rendered infructuous.

8. It is accordingly dismissed as having rendered infructuous.

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

October 5, 2026
S.K.S.

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

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