2026:AHC:207531-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 5623 of 2024

Indresh Kumar And Another

.....Petitioner(s)

Versus

State Of Up And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Indra Deo Mishra, Pankaj Kumar Tiwari, Shushil Kumar Mishra
Counsel for Respondent(s)	:	G.A., Mukesh Joshi

With

CRIMINAL MISC. WRIT PETITION No. - 3750 of 2024

Ratnesh Kumar

.....Petitioner(s)

Versus

State Of Up And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Indra Deo Mishra, Pankaj Kumar Tiwari, Shushil Kumar Mishra
Counsel for Respondent(s)	:	Ashok Kumar Chaubey, Brijendra Kumar Pandey, 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. Indra Deo Mishra, Mr. Pankaj Kumar Tiwari and Mr. Shushil Kumar Mishraare duly published in the cause list as counsel for petitoners however neither they nor any one on their behalf is present to press these writ petition even in revised call .

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

4. Even though the names of Mr. Ashok Kumar Chaubey and Mr. Brijendra Kumar Pandey are duly published in the cause list as counsel for private respondent, however neither they nor any one on their behalf is present to oppose these writ petitions .

5. Petitioners-Indresh Kumar And Another and petitoner Ratnesh Kumar in connected writ petition have approached this Court by means of present Criminal Misc. Writ Petition challenging the F.I.R. dated 27.02.2024 lodged by first informant-respondent-3, Meena Devi and registered as Case Crime No. 39 of 2024 under Sections 364 IPC,

Police Station-Sarai Inayat, District-Prayagraj.

6. Present writ petition came up for admission on 29.04.2024 and this court passed the following order:

"1. Heard learned counsel for the petitioners, learned A.G.A appearing for State-respondents and perused the material on record.

2. The present writ petition has been preferred for quashing the FIR dated 27.02.2024 being Case Crime No. 39 of 2024, under Section- 364 IPC, Police Station- Sarai Inayat, District- Prayagraj.

3. The victim has eloped with accused, Shaswat Sharma @ Ayush Kumar and the petitioner has been falsely implicated in this case.

4. Counsel for the petitioners submits that it is a case of false implication.

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 thereafter.

8. List and connect this case with Criminal Misc. Writ Petition No. 3750 of 2024 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., whichever is earlier, the respondents are restrained from arresting the petitioner pursuant to the First Information Report dated 27.02.2024, registered as Case Crime No. 39 of 2024, under Section- 364 IPC, Police Station- Sarai Inayat, District- Prayagraj, subject to cooperation in ongoing investigation.

Order Date :- 29.4.2024 "

7. The interim order granted by this Court on 29.04.2024 has been extended from time to time and is still operating. No counter affidavit has been filed by the learned A.G.A. or the first informant/respondent 3.

8. Upon perusal of impugned F.I.R., we find that the F.I.R. giving rise to present writ petition was lodged on 27.02.2024. On date, a period of more than one year and 7 months has expired, therefore, in all probability, Investigating Officer upon completion of statutory investigation in terms of Chapter XII Cr.P.C. must have submitted requisite police report/charge sheet in terms of Section 173 (2) Cr.P.C.

9. In view of above, we are of the view that by efflux of time, the present writ

petitions have been rendered infructuous.

10. They are accordingly dismissed as having rendered infructuous.

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

October 5, 2026
YK

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

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