**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**CRIMINAL MISC. WRIT PETITION No. - 9120 of 2025**

Jishan And 4 Others

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

| | | |
|---|---|---|
| Counsel for Petitioner(s) | : | Nandini Pandey, Ved Prakash 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 Ms. Nandini Pandey and Mr. Ved Prakash Mishra, Advocates are duly published in the cause list as counsel for petitioners but neither they nor any one on their behalf is present to press present writ petition even in revised call.

3. Learned A.G.A. for State-respondents 1, 2 and 3 is present.

4. Petitioners-Jishan And 4 Others have approached this Court by means of present Criminal Misc. Writ Petition challenging the FIR dated 25.04.2025 lodged by first informant-respondent-4, Anis and registered as Case Crime No. 1541 of 2025, under Sections 191(2), 191(3), 333, 115(2), 351, 74, 109 of B.N.S., Police Station- Thakurdwara, District-Moradabad.

5. Present writ petition came up for admission on 14.05.2025 and this Court passed the following order:-

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

***2. The present writ petition has been preferred with the prayer to quash the impugned First Information Report dated 25.4.2025, registered as Case Crime No.154 of 2025, under Sections 191(2), 191(3), 333, 115(2), 351, 74, 109 BNS, 2023, Police Station Thakurdwara, District Moradabad and with a further prayer not to arrest the petitioners in pursuance of the impugned F.I.R.***

***3. Learned counsel for the petitioners vehemently contended that the impugned FIR***

***dated 25.4.2025 is a misuse of process of law, as for same set of facts and circumstances, earlier a first information report was lodged by the father of the informant. In this background the learned counsel for the petitioner has submitted that the instant FIR is a misuse of the process of law and has placed reliance on the judgment passed by Hon'ble Apex Court in the Case of T. T. Antony Vs. State of Kerala & Others, AIR 2001 SC 2637.***

***4. Matter requires consideration.***

***5. Issue notice to the respondent No. 4 returnable at an early date.***

***6. Steps be taken within a week.***

***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. Until further orders, the respondents are restrained to take any coercive against against the petitioners pursuant to the impugned FIR. "***

6. As no one appears on behalf of petitioners to press this writ petition even in revised call, it is, accordingly, dismissed for want of prosecution.

7. Interim order, if any, stands vacated.

**October 6, 2026**
Imtiyaz

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

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