2026:AHC:210859-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 9489 of 2025

Sanjeev Kumar Pandey

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ankita Pandey
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, name of Miss Ankita Pandey is duly published in cause list as counsel for petitioner but neither she nor anyone on her behalf is present to press the present writ petition, even in the revised call.

3. Learned AGA for State-respondents 1 & 2 is present.

4. Petitioner-Sanjeev Kumar Pandey has approached this Court by means of present criminal misc. writ petition challenging the impugned FIR dated 01.01.2025 lodged by first informant-respondent-3, Deepak Kumar Singh and registered as Case Crime Number No. 0002 of 2025, under Section 3(1) of U.P. Gangster and Ante Social Activities (Prevention) Act, 1986, Police Station-Patherwa, District-Kushinagar.

5. Present writ petition came up for admission on 12.05.2025 and this Court passed the following order:-

"1. Heard learned counsel for the petitioner, Shri G.P. Singh, learned A.G.A.-I for State-respondents and perused the material brought on the record.

2. Present writ petition has been preferred for quashing the impugned FIR dated 01.01.2025 being Case Crime No.0002 of 2025, under Section 3(1) of U.P. Gangster & Prevention of Anti Social Activities Act, 1986, P.S. - Patherwa, District- Kushi Nagar and for a direction to respondents not to take coercive action against the petitioner pursuant to impugned FIR.

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. Learned counsel for the petitioner submits that the impugned First Information Report is being challenged precisely on the ground that only on the basis of involvement of the petitioner in solitary case, the gangster proceeding has been initiated against the petitioner herein. Learned counsel for the petitioner has contended that in similar matter, the co-accused namely, Manoj Pandey @ Manoj Kumar Pandey having the same role, has already been accorded indulgence by a Division Bench of this Court in Criminal Misc. Writ Petition No.3550 of 2025 (Manoj Pandey @ Manoj KUmar Pandey Vs. State of U.P. and 2 others) vide order dated 4.3.2025 and as such the petitioner being on similar footing are also entitled for interim relief.

4. The matter requires consideration.

5. Learned AGA is accorded four weeks time to file counter affidavit. One week, thereafter, is accorded to file rejoinder affidavit.

6. Let the matter be listed after expiry of the aforesaid period.

7. Till the next date of listing, the petitioners shall not be arrested pursuant to impugned FIR, provided they cooperate with the investigation in question."

6. Upon perusal of order sheet, we find that the interim order dated 12.05.2025 was never extended. In all probability, the Investigating Officer, upon completion of statutory investigation of aforesaid case crime number in terms of Chapter-XII CrPC, must have submitted the requisite police report as contemplated under Section 173(2) CrPC. We are, therefore, of the considered opinion that by efflux of time, this writ petition has been rendered infructuous.

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

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

October 7, 2026
Vinay

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

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