2026:AHC:208886-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 9417 of 2025

M/S. Chronicle Publication Pvt. Ltd. And 2 Others

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Sanjay Singh
Counsel for Respondent(s)	:	G.A.

Court No. - 47

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

1. Case is called out in revised list.

2. Even though the name of Mr. Sanjay Singh is duly published in the cause list as counsel for petitioners, however, neither he nor anyone on his behalf is present to press the present writ petition, even in revised call.

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

4. Perused the record.

5. Petitioners- M/S. Chronicle Publication Pvt. Ltd. And 2 Others have approached this Court by means of present criminal misc. writ petition challenging the FIR dated 09.11.2024 lodged by first informant/ respondent-4, Atul Kumar Sharma and registered as Case Crime No. 556 of 2024 under Sections 420, 406 and 120-B IPC, Police Station- Phast II, District-Gautam Budh Nagar.

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

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

2. This writ petition has been filed with the prayer to quash the First Information Report dated 9.11.2024 registered as Case Crime No. 556 of 2024, under Sections 420, 406, 120-B IPC, Police Station Phase-II, District Gautam Buddha Nagar. Further prayer has been made not to arrest the petitioners in the aforesaid case.

3. Learned counsel for the petitioners submits that the petitioners are innocent and there is false implication in the instant case. It is also pressed that the informant has already instituted suit for recovery in the year 2022 and impugned FIR has been lodged with inordinate delay of three and half years, which is misuse of process of law. Lastly, it is contended that even though all alleged offences are punishable with imprisonment of seven years, therefore the police authorities are bound to follow the procedure laid down under Section 41-A Cr.P.C. but under the facts and circumstances of the case, the impugned FIR is liable to be quashed.

4. Matter requires consideration.

5. Issue notice to the respondent No. 4, returnable at an early date. Steps be taken within a week.

6. All the respondents may file counter affidavit within six weeks. Petitioners shall have two weeks thereafter to file rejoinder affidavit. List immediately thereafter.

7. Until further orders, the petitioners shall not be arrested pursuant to the impugned First Information Report provided they cooperate in the investigation.
"

7. On the matter being taken up, learned AGA representing State/respondents-1, 2, 3 submits that during pendency of present writ petition, Investigating Officer, upon completion of statutory investigation of aforesaid case crime number in terms of Chapter XII CRPC has submitted the charge sheet / police report dated 23.07.2025 as contemplated under Section 173 (2) Cr.PC.

8. Since a period of more than one year has expired from the date of submission of the charge sheet, the jurisdictional Magistrate must have taken cognizance upon same in exercise of jurisdiction under Section 190(1)(b) Cr.P.C., we are therefore of the considered opinion that by efflux of time, this writ petition has been rendered infructuous

9. It is accordingly dismissed as having rendered infructuous. Interim order, if any, shall stand vacated.

October 6, 2026
YK

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

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