2026:AHC:209007-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 9429 of 2025

Shivam Mishra

.....Petitioner(s)

Versus

The State Of Uttar Pradeh And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Alok Kumar Dwivedi, Indra Deo Mishra, Pankaj Kumar Tiwari, Raghavendra Pati Tripathi
Counsel for Respondent(s)	:	Dharmendra Pratap Singh, 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. Alok Kumar Dwivedi, Mr. Indra Deo Mishra, Mr. Pankaj Kumar Tiwari and Mr. Raghavendra Pati Tripathi are duly published in the cause list as counsel for petitioners however neither they nor any one on their behalf is present to press this writ petition even in revised call .

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

4. Petitioner-Shivam Mishra has approached this Court by means of present Criminal Misc. Writ Petition challenging the F.I.R. dated 29.04.2025 lodged by first informant-respondent-3, Janardan Tripathi and registered as Case Crime No. 0208 of 2025 under Sections 108, 238 (b) BNS, Police Station-Meja, District-Prayagraj.

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

"1. Heard learned counsel for the petitioner and learned AGA for State.

2. The present writ petition has been preferred with the prayer to quash the impugned First Information Report dated 29.04.2025, registered as Case Crime No. 0208 of 2025, under sections- 108, 238(b) of B.N.S., and Police Station--Meja, District- Prayagraj, and for a direction to the respondents not to arrest the petitioner in pursuance of impugned First Information Report.

3. From the bare reading of the F.I.R., the allegations of abetment of suicide is

not made out against the petitioner. He is the owner of the hotel where the deceased committed suicide. Only allegation against the petitioner is that he was involved in removing the belongings of the dead body of the deceased from his hotel room.

4. Matter requires consideration.

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.
8. List this case 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.,/193(3) B.N.S.S., the respondents are restrained from arresting the petitioner pursuant to the First Information Report, subject to cooperation in ongoing investigation. "

6. Upon perusal of impugned F.I.R., we find that the impugned F.I.R. giving rise to present writ petition was lodged on 29.04.2025. As such a period of more than one year and 5 months has rolled by from the date of lodging of the F.I.R. In the interregnum, the requisite police report/final report must have been submitted by the concerned Investigating Officer against petitioner. It is on account of this reason that the learned counsel for petitioner have not responded even in revised call.

7. In view of above, the present writ petition is liable to be dismissed as having rendered infructuous.

8. It is accordingly dismissed as having rendered infructuous.

9. Interim order, if any, granted earlier 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