2026:AHC:210858-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 9486 of 2025

Som Vir Singh

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Brijesh Kumar Srivastava
Counsel for Respondent(s)	:	G.A., Sanjeev Kumar Yadav

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 Mr. Brijesh Kumar Srivastava is duly published in the cause list as counsel for petitioner but neither he nor anyone on his behalf is present to press the present writ petition, even in the revised call.

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

4. Perused the record.

5. Though the name of Mr. Sanjeev Kumar Yadav is duly published in the cause list as counsel for first informant but neither he nor any one on his behalf is present to oppose the present writ petition, even in revised call.

6. Petitioner-Somvir Singh has approached this court by means of present criminal writ petition, challenging the impugned FIR dated 07.04.2025 lodged by first informant respondent 3, Rajesh Kumar Yadav and registered as Case Crime No. 58 of 2025, under Sections 318(4), 338, 336(3), 340(2), 61(2) B.N.S., Police Station-Rakabganj, District-Agra.

4. Present writ petition came up for admission on 15.05.2025 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 07.04.2025, registered as Case Crime No-58 of 2025, under sections- 318(4), 338, 336(3), 340(2), 61(2) of B.N.S., and Police Station- Rakabganj, District- Agra and for a direction to the respondents not to arrest the petitioner in pursuance of impugned First Information Report.

3. From the allegation in the F.I.R., at the most a case of departmental proceedings was required to be initiated against the petitioner, who is conductor of the U.P. S.R.T.C. F.I.R., could not have been lodged before holding departmental inquiry against the conduct of the petitioner.

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 petitioners pursuant to the First Information Report, subject to cooperation in ongoing investigation."

7. In compliance of above order dated 15.05.2025, notice dated 27.05.2025 was issued to first informant-respondent-3.

8. Mr. Sanjeev Kumar Yadav, Advocate has put in appearance on behalf of first informant-respondent-3. He has filed a stay vacation application along with counter affidavit. No rejoinder affidavit has been filed by petitioner to the same.

9. Upon perusal of record, we find that the FIR giving rise to present writ petition was lodged on 07.04.2025. As such, on date, a period of more than one year and five months has rolled by. In all probability, the Investigating Officer upon completion of statutory investigation of aforesaid case crime number must have submitted the requisite police

report in terms of Section 173(2) CrPC. We are, therefore, of the considered opinion that by efflux of time, this writ petition has been rendered infructuous.

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

11. 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