HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 9675 of 2025

Lokendra Singh And 7 Others

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Preete Chaudhary
Counsel for Respondent(s)	:	G.A., Rajeev Kumar Rai

Court No. - 47

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

1. Heard Ms. Sandhya Kumari, Advocate holding brief of Ms. Preeti Chaudhary, the learned counsel for petitioner, the learned AGA representing state respondents 1, 2 and 3 and Mr. Rajeev Kumar Rai, the learned counsel representing first informant respondent 4.

2. Perused the record.

3. Petitioners Lokendra Singh and 7 others have approached this Court by means of present criminal misc. writ petition challenging the impugned FIR dated 29.04.2025 lodged by first informant respondent 4 Rajpal Singh and registered as Case Crime No. 173 of 2025, under Sections 420, 467, 468, 471, 477 (A) and 120 (B) of I.P.C., Police Station Anupshahar, District Bulandshahar.

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

"1. Shri Rajeev Kumar Rai, learned counsel appearing for the respondent no.4 has filed short counter affidavit in Court today. The same is taken on record.
2. Heard learned counsel for the petitioner, learned A.G.A. for the State as well as Shri Rajeev Kumar Rai, learned counsel for the respondent no.4 and perused the record.
3. 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. 173 of 2025, under Sections 420, 467, 468, 471, 477(A) and 120(B) of IPC, Police Station- Anupshahr, District- Bulandshahr, and for a direction to the respondents not to arrest the petitioners in pursuance of impugned First Information Report.

4. Contention of learned counsel for the petitioners is that the membership of 99 members of the society was looked into by the Deputy Registrar, Firm Society and Chits, Meerut, under the Societies Registration Act, 1860 and when he had not considered their membership as genuine, the petitioners had approached the High Court by means of Writ - C No. 14599 of 2024 (C/M Janta Vidya Prachar Sabha Another Vs. State of U.P and 3 others) wherein on 03.05.2024 an interim order was also passed. Learned counsel for the petitioners, therefore, states that the matter which is subjudice before the High Court cannot be adjudicated in criminal proceedings.

5. Shri Rajeev Kumar Rai, learned counsel for the respondent no.4, however, had submitted that the FIR was lodged after the Superintendent of Police had looked into each and every aspect of the matter.

6. However, the Court is of the view that in the said matter definitely till such time the High Court adjudicates the matter, raking up the criminal case, would not solve the issue at hand.

7. Per contra, learned AGA has opposed the petition but could not dispute the aforesaid facts.

8. Matter requires consideration.

9. Learned A.G.A. has accepted the notice on behalf of respondent no. 1 to 3.

10. Respondent no.4 is represented by Shri Rajeev Kumar Rai.

11. All the respondents are granted three weeks time to file counter affidavit. The petitioners shall have two weeks thereafter to file rejoinder affidavit.

12. List immediately thereafter.

13. Till the next date of listing or till submission of police report under Section 173(2) Cr.P.C., whichever is earlier, the petitioner herein shall not be arrested in pursuance of the impugned First Information Report dated 29.04.2025, registered as Case Crime No. 173 of 2025, under Sections 420, 467, 468, 471, 477(A) and 120(B) of IPC, Police Station- Anupshahr, District- Bulandshahr, provided the petitioners cooperate in the investigation."

5. Upon perusal of order sheet we find that interim order dated 14.05.2025 was never extended.

6. On the matter being taken up Mr. Rajeev Kumar Rai, the learned counsel representing first informant respondent 4 submits that during pendency of present writ petition investigating officer upon completion of statutory investigation of aforementioned case crime number in terms of Chapter XIII BNSS has already forwarded the charge sheet/police report dated 10.08.2026 as contemplated under Section 193 (3) BNSS.

7. When confronted with above, the learned counsel for petitioners submits that in view of aforesaid objection raised by the learned counsel for first

informant this writ petition be dismissed as withdrawn with liberty to petitioner to approach this Court by means of an application under Section 528 BNSS challenging the aforementioned charge sheet as well as the cognizance taking order/summoning order if any passed by the jurisdictional Magistrate.

8. Learned AGA representing State-respondents 1, 2 and 3 and the learned counsel representing first informant respondent 4 have no objection to the aforesaid prayer made by the learned counsel for petitioners.

9. Having heard the learned counsel for petitioners, the learned A.G.A. representing State-respondents 1, 2 and 3 and the learned counsel representing first informant respondent no.4 upon perusal of record and considering the rival submissions this writ petition shall stand dismissed as withdrawn with liberty aforesaid.

10. Interim order if any shall stand vacated.

October 6, 2026
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(Jai Krishna Upadhyay,J.) (Rajeev Misra,J.)

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