HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 9582 of 2025

Samruddin Khan

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Mohd. Naushad Ahmad Khan
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 the name of Mr. Mohd. Naushad Ahmad Khan 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 in the revised call.

3. Learned AGA representing the state respondents 1 and 2 is present.

4. Petitioner Samruddin Khan has approached this Court by means of present Criminal Misc. Writ Petition, challenging the impugned FIR dated 7.4.2025, lodged by first informant, respondent 3, Abhimanyu Singh Chandel, and registered as Case Crime Number 0095 of 2025, under Sections 281, 352, 351(2), 324(4) of BNS, Police Station Dhoomanganj, District Prayagraj.

5. Present writ petition came up for admission on 13.5.2025, and this Court passed the following order:

"1. Heard Shri Nisheeth Yadav, learned counsel for the petitioner, learned A.G.A. for the State-respondents and perused the material brought on the record.
2. The relief sought in this petition is for quashing of the F.I.R. dated 07.04.2025 registered as Case Crime No.0095 of 2025, under Sections 281, 352, 351(2), 324(4) B.N.S., 2023, P.S.- Dhoomanganj, District- Prayagraj. Further prayer has been made not to arrest the petitioner in the aforesaid case.
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 the dispute between the parties is purely of civil in nature. Learned counsel for the petitioner submits that as there is serious dispute qua the rights/title of the property in question, the same cannot be adjudicated in writ jurisdiction under Article 226 of the Constitution of India. A writ petition for enforcement of the common law remedies under Article 226 of the Constitution of India is not ordinarily maintainable for such reliefs against persons, who do not have any public duties to perform. He submits that the present first information report is nothing but a tactics to create pressure upon the petitioner and give criminal colour to the civil dispute. In support of his submission, he has placed reliance on the judgement of Apex Court in Criminal Appeal No.932 of 2021 (Randheer Singh vs. the State of UP and ors) decided on 02.9.2021 as well as order dated 26.10.2021 passed in Criminal Appeal no.1285/2021 (Mitesh Kumar Jha vs. The State of Karnataka) and order dated 25.10.2021 passed in Criminal Appeal no.1393/2011 (Ramawatar vs. State of Madhya Pradesh) and submits that the Court must ensure that criminal prosecution is not used as an instrument of harassment or for seeking private vendetta or with an ulterior motive to pressurize the accused.

4. The matter requires consideration by this Court.

5. Issue notice to the respondent No.3 returnable at an early date.

6. Steps be taken within a week by ordinary process as well as by registered post.

7. All the respondents may file counter affidavit within four weeks. Petitioners shall have one week, thereafter, to file rejoinder affidavit.

8. List thereafter.

9. Considering the facts and circumstances of the case as briefly discussed above, as an interim measure, till the next date of listing or till submission of police report u/s 193(3) B.N.S.S., whichever is earlier, the respondents are restrained to arrest the petitioner pursuant to the impugned FIR, subject to cooperation in the on-going investigation."

6. Office has submitted a report dated 5.10.2026, stating therein that learned counsel for petitioner has not taken steps for service upon first informant, respondent 3, in compliance of earlier order dated 13.5.2025. In view of above, we have no other option but to dismiss the writ petition. It is hereby dismissed. Interim order, if any, stands vacated.

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

Digitally signed by :-
MAHBOOB SAFI
High Court of Judicature at Allahabad