2026:AHC:208981-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 9642 of 2025

Ram Sahay @ Ramu

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ajay Dubey
Counsel for Respondent(s)	:	Anuj Kumar Sen, G.A., Raj Kumar Sharma

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. Ajay Dubey 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 revised call.

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

4. Even though the names of Mr. Anuj Kumar Sen and Mr. Raj Kumar Sharma are duly published in the cause list as counsel for first informant, respondent 3 but neither they nor anyone on their behalf is present to oppose the present writ petition, even in revised call.

5. Petitioner - Ram Sahay alias Ramu has approached this Court by means of present Criminal Misc. Writ Petition, challenging the impugned FIR dated 19.4.2025, lodged by first informant, respondent 3, Nisha, and registered as Case Crime Number 40 of 2025 under Section 376 IPC, P.S. Galhora, District Siddharth Nagar.

6. Present writ petition came up for admission on 20.5.2025, and this Court passed the following order:

" Heard learned counsel for the petitioner and learned A.G.A.
There are allegations against the petitioner that he has committed offence of rape against the respondent no.3 on false promise of marriage since 2020.
Learned counsel for the petitioner submits that it is a case of false implication. FIR has been lodged on account of ulterior motives.

Matter requires consideration.

Issue notice to respondent no.3.

Steps be taken within a week.

All the respondents may file counter affidavit within period of four weeks. Petitioner may file rejoinder affidavit within two weeks.

List this case after six weeks before the appropriate Bench.

Till the next date of listing or till cognizance is taken by court on police report submitted under Section 173(2) Cr.P.C., whichever is earlier, the respondents are restrained from arresting the petitioner pursuant to the First Information Report dated 29.4.2025, Case crime no.40 of 2025 under section 376 I.P.C. P.S.Gollhora District Siddharth Nagar subject to cooperation in ongoing investigation."

7. Cause list depicts that Criminal Misc. Application under Section 528 BNSS No. 34757 of 2026, Ram Sahay alias Ramu and another versus State of UP and 3 others, has been filed, which is pending. It is thus apparent that during pendency of present writ petition, the Investigating Officer, upon completion of statutory investigation of aforementioned case crime number, in terms of Chapter 13 BNSS, has submitted charge sheet / police report, upon which cognizance has also been taken. We are, therefore, of the view that by efflux of time, this writ petition has been rendered infructuous. It is accordingly dismissed as having been rendered infructuous. Interim order, if any, stands vacated.

October 6, 2026
safi

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

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