2026:AHC:209250-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 9719 of 2025

Raju

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Rajendra Prasad Shukla, Rishabh Shukla
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 names of Mr. Rishabh Shukla and Rajendra Prasad Shukla are duly published in cause list as counsel for petitioner, but neither they nor anyone on their behalf is present to press the present writ petition even in revised call.

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

4. Perused the record.

5. Petitioner Raju has approached this court by means of present criminal misc. writ petition challenging the impugned FIR dated 30.06.2024 lodged by first informant Branch Manager, respondent 3 and registered as Case Crime No. 361 of 2024, under Sections 420, 467, 468, 471, 406 I.P.C., Police Station Sadar Bazar, District Saharanpur.

6.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, learned A.G.A. for the State-respondents and Shri Pankaj Srivastava learned counsel for the informant - respondent No.3 Bank SBI.
2. The present writ petition has been preferred with the prayer to quash the impugned First Information Report dated 30/06/2024 registered as Case Crime No. 361/2024 under Sections 420, 467, 468, 471, and 406 IPC at Police Station Sadar Bazar, District Saharanpur and with a further prayer not to arrest the petitioner in pursuance of the impugned F.I.R.
3. Learned counsel for the petitioner has placed reliance upon today's order, i.e. 15.05.2025 passed in CRIMINAL MISC. WRIT PETITION No. - 9698 of 2025 (Mohd. Saleem vs. State Of U.P. And 2 Others), wherein, this court has accorded interim

protection to a co-accused in the aforesaid FIR. He submits that till date in the aforesaid proceedings, police report under Section 173(2) (now Section 193(3) of Bhartiya Nagarik Suraksha Sanhita, 2023) has not been submitted against the petitioner and similar indulgence may also be extended in favour of the petitioner.

4. Matter requires consideration.

5. Issue notice to the respondent No.3 returnable within three weeks. Steps be taken within a week.

6. All the respondents are accorded four weeks time to file counter-affidavit. Petitioners shall has two weeks thereafter to file rejoinder affidavit.

7. Connect with CRIMINAL MISC. WRIT PETITION No. - 9698 of 2025.

8. Till the next date of listing or till the submission of police report under Section 173 (2) Cr.P.C. (now Section 193(3) of Bhartiya Nagarik Suraksha Sanhita, 2023), whichever is earlier, respondents are restrained to arrest the petitioner pursuant to the impugned F.I.R. subject to cooperation in the on-going investigation."

7.On the matter being taken up, learned AGA submits that during pendency of present writ petition, investigating officer upon completion of statutory investigation of aforesaid case crime number in terms of Chapter XII CrPC has forwarded the charge sheet dated 14.06.2025 in terms of Section 173(2) CrPC / 193(3) BNSS, upon which cognizance has also been taken by the jurisdictional Magistrate. Resultantly, petitioner has approached this court by means of an application under Section 528 BNSS No. 29566 of 2025, Raju vs. State of UP and another.

8.In view of above, this writ petition appears to have been rendered infructuous.

9.It is accordingly **dismissed** as having been rendered infructuous.

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