HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 9571 of 2025

Ashu

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ratish Kumar Singh
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. Ratish Kumar Singh 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 AGA representing the state respondents 1 and 2 is present.

4. Petitioner Ashu has approached this Court by means of present Criminal Misc. Writ Petition, challenging the impugned FIR dated 25.6.2024, lodged by first informant, respondent 3, Mumtaz, and registered as Case Crime No. 0149 of 2024, under Sections 147, 149, 323, 307, 504, 506 IPC, Police Station Sarsawa, District Saharanpur.

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

"1. Heard learned counsel for the petitioner and the learned AGA for the State-respondent.
2. This writ petition has been filed with the prayer to quash the First Information Report dated 25.6.2024 registered as Case Crime No. 0149 of 2024, under Sections 147, 149, 323, 307, 504, 506 IPC, Police Station Sarsawa, District Saharanpur. Further prayer has been made not to arrest the petitioner in the aforesaid case.
3. Learned counsel for the petitioner submits that the petitioner is not named in the FIR and his name has been disclosed in the alleged confessional statement of co-accused Gayur. Role of firing has been assigned to co-accused Gayur. Petitioner has no previous criminal antecedents. In case, no reprieve is accorded he would suffer irreparable loss and injury.

4. Matter requires consideration.

5. Issue notice to the respondent No. 3 returnable at an early date. Steps be taken within a week.

6. All the respondents may file counter affidavit within six weeks. Petitioner shall have two weeks thereafter to file rejoinder affidavit. List immediately thereafter.

7. 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 petitioner shall not be arrested pursuant to the impugned First Information Report provided he cooperates in the investigation. "

6. Office has submitted a report dated 5.10.2026 stating therein that in compliance of above order dated 13.5.2025, learned counsel for petitioner has not taken any steps for service upon first informant, respondent 3. Since earlier order dated 13.5.2025 has not been complied with, we have no option but to dismiss the writ petition. It is accordingly dismissed. 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