2026:AHC:209278-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 9790 of 2025

Farasat Ali @ Rihan, Advocate

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Akash Dwivedi
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 the revised list.

2. Even though the name of Mr. Akash Dwivedi 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 State-respondents 1, 2 and 3 is present.

4. Petitioner is before this Court by means of present criminal writ petition challenging the impugned FIR dated 29.04.2025 lodged by first informant-respondent 4 - Riya Sharma and registered as Case Crime No. 118 of 2005, under Sections 376, 328, 384, 506 IPC, and Section 67 of Information Technology Act , 2008, Police Station - Masoori, District - Ghaziabad.

5. Present writ petition came up for admission on 21.05.2025 and this Court passed the following order.

"1. Heard learned counsel for the petitioner and learned AGA for State.

2. 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. 118 of 2025, under sections- 376, 328, 384, 506 of IPC and section 67 of I.T. Act, Police Station- Masoori, District- Ghaziabad, and for a direction to the respondents not to arrest the petitioner in pursuance of impugned First Information Report.

3. Counter-blast implication of the petitioner by respondent no.4 is alleged.

4. Learned counsel for the petitioner submits that F.I.R., was delayed by more than five years.

5. Learned AGA was granted time to obtain instructions in this case on 15.05.2025,

but he has failed to get instructions.

6. Issue notice to respondent no. 4.

7. Steps be taken within a week.

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

9. List this case after six weeks.

10. Till the next date of listing or till cognizance is taken by court on police report submitted under Section 173(2) Cr.P.C.,/193(3) B.N.S.S., the respondents are restrained from arresting the petitioners pursuant to the First Information Report, subject to cooperation in ongoing investigation."

6. Upon perusal of the order sheet, we find that office has submitted a report dated 05.10.2026 stating therein that learned counsel for the petitioner in compliance of the order dated 21.05.2025 has not taken steps for service upon first respondent 4.

7. Since the petitioner has failed to comply with the above interim order dated 21.05.2025, therefore, the writ petition is liable to be dismissed. It is accordingly dismissed.

8. Interim order, if any, shall stand vacated.

October 6, 2026
S.K.S.

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

Digitally signed by :-
SUNIL KUMAR SINGH
High Court of Judicature at Allahabad