2026:AHC:209255-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 9684 of 2025

Shahenshah Husain And 5 Others

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Roshni Murad, Suraj Kumar Singh
Counsel for Respondent(s)	:	G.A., Praveen Kumar Srivastava

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. Suraj Kumar Singh and Roshni Murad are duly published in the cause list as counsel for petitioners but neither they nor anyone on their behalf is present to press the present writ petition even in the revised call.

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

4. The name of Mr. Praveen Kumar Srivastava is also published in the cause list as counsel for first informant respondent 3 but neither he nor anyone on his behalf is present to oppose the present writ petition even in revised call.

5. Perused the record.

6. Petitioner Shahenshah Hussain and five others have approached this court by means of present criminal Misc. Writ petition challenging the impugned FIR dated 20.04.2025 lodged by first informant respondent 3 Shabana Bano and registered as Case Crime No. 0127 of 2025, under Sections 376 (2) (n), 504, 506 I.P.C., Police Station Bhelupur, District Varanasi.

7. Present writ petition came up for admission on 14.05.2025 and this court passed the following order:-

"1. Heard learned counsel for the petitioners and learned A.G.A. for the State-respondents.

2. This writ petition has been filed for quashing of the First Information Report dated 20.04.2025 giving rise to Case Crime No. 0127 of 2025, under Sections 376(2)(n), 504 and 506 of I.P.C., Police Station - Bhelupur, District - Varanasi.

3. Contention of the learned counsel for the petitioners is that the petitioners have been for no reason implicated in the case even though learned counsel for the petitioners states that the main allegation was against one Hashim Raza @ Hasif Rajan with whom the first informant had had a physical relationship for the past three years.

4. Matter requires consideration.

5. Respondents no. 1 and 2 are represented by learned A.G.A. Issue notice to respondents no. 3.

6. Respondents may file counter affidavit within a period of three weeks. Rejoinder affidavit if any may be filed within two weeks thereafter.

7. List thereafter.

8. Till the next date of listing or till the submission of police report, whichever is earlier, the petitioners shall not be arrested. "

8. From perusal of order sheet it appears that the interim order dated 14.05.2025 was never extended. However, on the matter being taken up, the learned AGA submits that during pendency of present writ petition Investigating Officer upon completion of statutory investigation of aforementioned case crime number in terms of Chapter XIII BNSS has already forwarded the charge sheet/ police report dated 05.06.2025 and 21.08.2025 as contemplated under section 193 (3) BNSS.

9. We are of the view that cognizance upon aforementioned charge sheet must have been taken by the jurisdictional Magistrate in the interregnum. We are therefore of the considered view that by efflux of time this writ petition has been rendered infructuous. Therefore the same is liable to be dismissed as having rendered infructuous.

10. It is accordingly **dismissed** as having rendered infructuous.

11.Interim order if any shall stand vacated.

October 6, 2026
AKT

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

Digitally signed by :-
ASHOK KUMAR TRIPATHI
High Court of Judicature at Allahabad