2026:AHC:208998-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 9591 of 2025

Pawan Kumar Garg

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ishan Deo Giri, Sarvesh Pandey
Counsel for Respondent(s)	:	Bharat Pratap Singh, 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. Heard Mr. Prateek Kumar Srivastava, Advocate, holding brief of Mr. Ishan Devgiri, learned counsel for petitioner, the learned AGA representing the state respondents 1 and 2 and Mr. Anurag Pratap Singh, the learned counsel representing first informant, respondent 3.

3. Perused the record.

4. Petitioner Pawan Kumar Garg has approached this Court by means of present Criminal Misc. Writ Petition, challenging the impugned FIR dated 20.3.2025, lodged by first informant, respondent 3, Parvesh Jain, and registered as Case Crime Number 0104 of 2025, under Sections 420, 406, 465, 467, 468, 471, 379, 503, 120-B IPC, P.S. Phase-1, District Gautam Budh Nagar.

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, learned A.G.A. for the State-respondents and perused the material brought on the record.
2. The relief sought in this petition is for quashing of the F.I.R. dated 20.03.2025 registered as Case Crime No.0104 of 2025, under Sections 420, 406, 465, 467, 468, 471, 379, 503, 120-B I.P.C., P.S. - Phase-1, District- Gautam Buddh Nagar. Further prayer has been made not to arrest the petitioners in the aforesaid case.
3. Learned counsel for the petitioner submits that petitioner has no complicity in the instant case. The whole prosecution story is totally false and frivolous and the

petitioner has been falsely implicated with ulterior motive and mala-fide intention. Learned counsel for the petitioner submits that the impugned First Information Report is being challenged precisely on the ground that the petitioner is a qualified C.A. and is practicing as a C.A. since the year 1983. Learned counsel for the petitioner submits that respondent No.2 has framed a baseless allegations without any concrete evidence and has initiated the present criminal proceeding against the petitioner just only to extort money from him. He further submits that the impugned F.I.R. has been lodged as an afterthought with an inadvertent delay without explaining the same. Lastly, the criminal history credited to the petitioner has also been adequately been explained in para 22 of the affidavit filed in support of the instant petition.

4. The matter requires consideration by this Court.

5. Issue notice to the respondent No. returnable at an early date.

6. Steps be taken within a week by ordinary process as well as by registered post.

7. All the respondents may file counter affidavit within four weeks. Petitioners shall have one week, thereafter, to file rejoinder affidavit.

8. List thereafter.

9. 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 respondents are restrained to arrest the petitioner pursuant to the impugned FIR, subject to cooperation in the on-going investigation."

6. On perusal of order sheet, we find that the interim order dated 13.5.2025 was not extended at any point of time. As such, no interim order is operating in present writ petition on date. Since the FIR giving rise to present Criminal Misc. Writ Petition was lodged on 20.3.2025, therefore, a period of one year and six months has expired from the date of the FIR. In the interregnum, the Investigating Officer must have submitted the charge sheet / police report under Section 193(3) BNSS. The learned counsel for petitioner as well as the learned counsel representing first informant, respondent 3, are unable to disclose the present status of the case. It means that neither the first informant nor the petitioner have contacted their respective counsel for long. Prima facie, we are 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
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(Jai Krishna Upadhyay,J.) (Rajeev Misra,J.)

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