2026:AHC:209252-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 9714 of 2025

Smt. Samar

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Rajeev Upadhyay
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 Sri Rajeev Upadhyay is duly published in the cause list as counsel for petitioner but neither he nor any one on his behalf is present to press the present writ petition even in the revised call.

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

4. Perused the record.

5. Petitioner Smt. Samar has approached this court by means of present criminal miscellaneous writ petition challenging the impugned FIR dated 13.03.2025 lodged by first informant respondent 4 Rahul Yadav (Sub-Inspector) and registered as Case Crime No. 165 of 2025, under Sections 3/5/8 U.P. Cow Slaughter Act, Police Station Lisari Gate, District Meerut.

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 and learned AGA for the State.

2. The present writ petition has been preferred with prayer to quash the impugned First Information Report dated 13.03.2025 registered as Case Crime No. 165 of 2025 under Section 3/5/8 Cow Slaughter Act, P.S. Lisari Gate, Distt. Meerut and for a direction to the respondents not to arrest the petitioner in pursuance of impugned First Information Report.

3. Learned counsel for the petitioner vehemently contended that the petitioner is wife of main accused Bhura alias Shahzad. She is innocent and there is false implication in the instant case. Her case is entirely distinguishable from other accused. She does not have any previous criminal antecedents. In case no reprieve is accorded, she would suffer irreparable loss and injury.

4. Per contra, learned AGA on the instructions states that in the instant case crime, charge-sheet has already been filed against other accused. The investigation is in progress qua the petitioner. She prays for some breathing time to get status of the investigation.

5. The matter requires consideration.

6. Issue notice to the respondent no. 3, returnable within four weeks. Steps may be taken within a week.

7. All the respondents are accorded three weeks time to file counter-affidavit. One week, thereafter, for rejoinder. List immediately thereafter.

8. Till the next date of listing or till submission of police report u/s 193(3) B.N.S.S., respondents are restrained to arrest the petitioner pursuant to the impugned F.I.R. subject to cooperation in the on-going investigation. "

7. Upon perusal of order sheet we find that the interim order dated 15.05.2025 was never extended.

8. Considering the fact that the FIR giving rise to present criminal miscellaneous writ petition was lodged on 13.3.2025 and a period of 1 year and 6 months has expired since then, the investigating officer upon completion of statutory investigation of aforesaid case crime number must have submitted the requisite police report in terms of Section 193(3) BNSS. We are therefore of the considered opinion that by efflux of time this writ petition has 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