2026:AHC:209782-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 10572 of 2025

Bathe Bind

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Rajesh Singh Baish
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. Rajesh Singh Baish is duly published in the cause list as counsel for petitioner however neither he nor any one on his behalf is present to press this writ petition even in revised call .

3. Learned A.G.A. representing State/respondents 1, 2 and 3 is present.

4. Petitioner-Bathe Bind has approached this Court by means of present Criminal Misc. Writ Petition challenging the F.I.R. dated 28.07.2024 lodged by first informant-respondent-4, Saurabh Pandey Sub Inspector and registered as Case Crime No. 0457 of 2024 under Section 3/5A/8 Cow Slaughter Act, and Section 11 Animal Cruelty Act, Police Station- Handiya, District-Prayagraj.

5. Present writ petition came up for admission on 23.05.2025 and this Court passed the following order:

" 1. Heard Sri Rajesh Singh Baish, learned counsel for the petitioner and Sri P.K. Jaiswar, learned AGA for State respondent nos.1 to 3.

2. The instant writ petition has been preferred for quashing the FIR dated 28.07.2024 registered as Case Crime No.0457 of 2024 under Section 3/5A/8 of Cow Slaughter Act and Section 11 of Animal Cruelty Act, Police Station Handia, District Prayagraj and for a direction to respondents not to arrest the petitioner pursuant to impugned FIR.

3. Learned counsel for the petitioner submits that the impugned FIR has been lodged totally on false allegations just to harass the petitioner. The

petitioner has not been arrested from the spot. He is owner of the vehicle and he has no concern with the alleged recovery. There is no specific allegation against the petitioner. The concerned police has falsely implicated the petitioner in the present case due to malafide intention and ulterior motive. It is contended that the petitioner does not have any other criminal antecedent. The allegations levelled against the petitioner are false and no offence under the alleged Sections are made out against the petitioner. Even though the proceedings are pending and neither the charge-sheet nor the final report has been submitted in the present case. In case no indulgence is accorded, the petitioner would suffer irreparable loss and injury.

4. Per contra, learned A.G.A. states that in the instant matter, during investigation the charge-sheet has been submitted against other four co-accused and qua the petitioner, the investigation is in progress.

5. The matter requires consideration.

6. Issue notice to respondent no.4 returnable at an early date. Step may be taken within a week.

7. The respondents are accorded four weeks time to file counter affidavit. One week, thereafter, is accorded to file rejoinder affidavit. List thereafter.

8. Till the next date of listing or till the submission of Police Report under Section 173 (2) CrPC/ 193 (3) BNSS, whichever is earlier, respondents are restrained to arrest the petitioner pursuant to the impugned F.I.R. subject to cooperation in the on-going investigation. "

6. Upon perusal of order sheet, we find that neither the interim order dated 23.05.2025 has been extended by this Court nor the learned counsel for petitioner has not taken steps for service upon first informant/ respondent-4.

7. Since the order dated 23.05.2025 has not been complied, we, therefore, dismiss the present writ petition.

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

October 6, 2026
Imtiyaz

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

Digitally signed by :-
IMTIYAZ AHMAD
High Court of Judicature at Allahabad