2026:AHC:209627-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 9987 of 2025

Jayhind Yadav

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Vinay Kumar Mishra, Vishveshwar Mani Tripathi
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. Vinay Kumar Mishra is duly published in the cause list as counsel for the petitioner, but neither he nor anyone on behalf of petitioner is present to press the writ petition even in revised call.

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

4. Perused the record.

5. Petitioner Jayhind Yadav has approached this Court by means of present criminal misc. writ petition challenging the impugned FIR dated 10.10.2024 lodged by first informant respondent 3, Manoj Kumar and registered as Case Crime No. 586 of 2024, under Section 419, 420, 467, 468, 471 IPC and Section 12 Passport Act, 1967, Police Station - Khorabar, District - Gorakhpur.

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

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

2. The present writ petition has been preferred with the prayer to quash the impugned First Information Report dated 10.10.2024 registered as Case Crime No.586 of 2024, under Sections 419, 420, 467, 468, 471 of the Indian Penal Code and Section 12 of the Passport Act, 1967, Police Station-Khorabar, District-Gorakhpur and with a further prayer not to arrest the petitioner in pursuance of the impugned F.I.R.

3. The learned counsel for the petitioner submits that the petitioner is absolutely innocent and has not committed any offence as alleged in the impugned First Information Report. It is contended by the learned counsel for the petitioner that from a bare perusal of the FIR, it is not clear what type of forgery or misconduct has been allegedly committed by the petitioner, and the FIR registered by the respondent appears vague and does not disclose any specific offence against the petitioner. The learned counsel for the petitioner further submits that the petitioner is a young unemployed person who applied for a passport through Jan Sewa Kendra situated at Khorabar Chauraha for livelihood purposes, as his friends working in Saudi Arabia had assured him of employment opportunities there. The learned counsel for the petitioner asserts that the petitioner provided all necessary documents including Aadhar Card and High School Certificate and completed all formalities by appearing before the passport office at Santosh Arcade, Basaratpur, District Gorakhpur. It is emphatically submitted by the learned counsel for the petitioner that the petitioner neither committed any forgery nor prepared any false documents in the pretext of obtaining a passport. He contends that all contents made in the First Information Report are false and baseless, and there is no direct or indirect evidence available on record connecting the petitioner to the alleged false case. It is further submitted that no specific allegation has been leveled against the petitioner, and from the entire material available on record, no offence under the mentioned sections is made out against the petitioner, who has no previous criminal history except for this false case.

4. Learned A.G.A. states on instructions that investigation is in progress.

5. Matter requires consideration.

6. Issue notice to the respondent No.3 returnable within six weeks. Steps be taken within a week.

7. All the respondents may file counter affidavit within six weeks. Petitioner shall have a week thereafter to file rejoinder affidavit. List immediately thereafter.

8. Considering the facts and circumstances of the case, as an interim measure, it is provided that until further order, respondents are restrained to arrest the petitioner pursuant to the impugned FIR, subject to cooperation in the on-going investigation"

7. Upon perusal of order sheet we find that the interim order dated 23.05.2025 was never extended nor counsel for the petitioner has taken steps

for service upon respondent 3 in compliance of order dated 23.05.2025.

8. In view of above, this writ petition is liable to be dismissed. It is accordingly dismissed.

9. 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