2026:AHC:209856-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 10289 of 2025

Shamim Ahmad Alias Shahnuddin

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Amar Jeet Singh, Bhuvnesh Kumar Singh
Counsel for Respondent(s)	:	G.A.

Court No. - 47

HON'BLE RAJEEV MISRA, J.
HON'BLE JAI KRISHNA UPADHYAY, J.

1. Heard Mr. Jitendra Singh, Advocate, holding brief of Mr. Bhuvnesh Kumar Singh, the learned counsel for petitioner and the learned A.G.A. for State/respondents 1 and 2.

2. Perused the record.

3. Petitioner-Shamim Ahmad Alias Shahnuddin has approached this Court by means of present Criminal Misc. Writ Petition challenging the F.I.R. dated 30.10.2024 lodged by first informant/respondent-3, Smt. Farhana and registered as Case Crime No. 585 of 2024 under Sections 318(4), 338, 336(3), 340(2), 115(2), 352, 351(3) of B.N.S., Police Station-Chandpur, District- Bijnor.

4. Present writ petition came up for admission on 20.05.2025 and this court passed the following order:

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

2. The relief sought in this petition is for quashing of the F.I.R. dated 30.10.2024 registered as Case Crime No. 585 of 2024 under Section 318 (4), 338, 336 (3), 340 (2), 115 (2), 352, 351 (3) of B.N.S., Police Station Chandpur, District Bijnor. 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. He submits that the dispute is purely civil in nature between brother and sister. He submits that earlier in respect of the property in question, mother of petitioner executed gift deed in favour of respondent no. 3 and one Shahana, who are real sisters of petitioner and later on they sold their share, i.e., property in question, to the petitioner by executing a registered sale deed on 11.12.2018 and had never raised any objection regarding the aforesaid sale deed and suddenly in the year 2024, they instituted a suit for cancellation of sale deed which was registered as Original Suit No. 140 of 2024; Farhana and another vs. Shamim Ahmad, which is pending consideration without their being any injunction in favour of respondent no. 3. Both the parties are contesting the said suit before the Court below. He submits that the present first information report is nothing but a tactics to create pressure upon the petitioner and give colour to the civil dispute. In support of his submission, he has placed reliance on the judgement of Apex Court in Criminal Appeal No.932 of 2021 (Randheer Singh vs. the State of UP and ors) decided on 02.9.2021 as well as order dated 26.10.2021 passed in Criminal Appeal no.1285/2021 (Mitesh Kumar Jha vs. The State of Karnataka) and order dated 25.10.2021 passed in Criminal Appeal no.1393/2011 (Ramawatar vs. State of Madhya Pradesh) and submits that the Court must ensure that criminal prosecution is not used as an instrument of harassment or for seeking private vendetta or with an ulterior motive to pressurize the accused.

4. The matter requires consideration by this Court.

5. Issue notice to the respondent No. 3 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 petitioners pursuant to the impugned FIR, subject to cooperation in the on-going investigation. "

5. Upon perusal of the order sheet, we find that the interim order dated 20.05.2025 has not been extended.

6. Office has submitted a report dated 05.10.2026 stating therein that learned counsel for petitioners in compliance of order dated 20.05.2025 has not taken steps for service upon first informant/ respondent-3.

7. However, the learned A.G.A. for State-respondents 1 and 2 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 forwarded the charge sheet/police report in terms of Section 193(3) BNSS.

8. Since learned counsel for petitioner has not taken steps to serve first informant/respondent-3, therefore, present writ petition is liable to be dismissed.

9. It is accordingly dismissed.

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