HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 10576 of 2025

Bheemsen

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Mohammad Zakir
Counsel for Respondent(s)	:	Akhilesh Srivastava, G.A., Saksham Srivastava

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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. Mohammad Zakir 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-Bheemsen has approached this Court by means of present Criminal Misc. Writ Petition challenging the F.I.R. dated 18.04.2025 lodged by first informant-respondent-4, Deendayal Singh and registered as Case Crime No. 343 of 2025 under Sections 109(1) of B.N.S., Police Station-Kotwali Shahr, District-Bulandshahr.

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

" 1. Heard Mohammad Zakir, learned counsel for the petitioner and learned AGA for State respondent nos.1 to 3.

2. The instant writ petition has been preferred for quashing the impugned FIR dated 18.04.2025 registered as Case Crime No.343 of 2025 under Section 109 (1) of B.N.S., Police Station Kotwali Shahar, District Bulandshahar and for a direction to respondents not to arrest the petitioner pursuant to impugned FIR.

3. Learned counsel for the petitioner submits that the father-in-law of the petitioner has lodged the impugned FIR, alleging that his daughter was hit by Car, wherein she has sustained injuries and the petitioner was

responsible for the injuries. He submits that the victim was examined on 16.04.2025 and as per the injury report, she received three simple injuries. The dispute is purely matrimonial in nature and an application under Section 125 Cr.P.C. is also pressed by the informant's daughter against the petitioner. The petitioner was not present at the place of occurrence and as such, no case under Section 109 (1) B.N.S. is made out against the petitioner. It is contended that the petitioner does not have any other criminal antecedent and in case no indulgence is accorded, the petitioner would suffer irreparable loss and injury.

4. The matter requires consideration.

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

6. All the respondents are accorded four weeks time to file counter affidavit. One week, thereafter, is accorded to file rejoinder affidavit. List thereafter.

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

6. Office has submitted a report dated 05.10.2026 stating therein that learned counsel for petitioner in compliance of order dated 23.05.2025 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