HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 11813 of 2025

Smt. Bitola

.....Petitioner(s)

Versus

State Of U.P. And 8 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ram Prakash
Counsel for Respondent(s)	:	G.A., Rakesh Dubey

Court No. - 47

HON'BLE RAJEEV MISRA, J.
HON'BLE DR. AJAY KUMAR-II, J.

1. Case called out in revised list.

2. Even though the name of Mr. R.P. Pandey is duly published in the cause list as counsel for petitioner but neither he nor anyone on his behalf is present to press the present writ petition even in the revised call.

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

4. Petitioner Smt. Bitola, who is the first informant, has approached this Court by means of present Criminal Misc. Writ Petition for a writ of mandamus commanding respondents 2 and 3 to conduct fair and impartial investigation against the accused persons i.e. respondents 4 to 9 in accordance with law in pursuance of the first information report dated 28.08.2024 lodged by first informant / petitioner and registered as Case Crime No.401 of 2024, under Sections 333, 103, 3(5) B.N.S., Police Station Akbarpur, District Kanpur Dehat.

5. Present writ petition came up for admission on 05.06.2025 and this Court passed the following order:

"*1. Heard learned counsel for the petitioner, learned AGA for the State and perused the material available on record.*

2. Learned counsel for the petitioner has submitted that petitioner is the first informant in the instant case and she had lodged the first information report on 28.08.2024 stating therein that her son has been done to death by the nominated accused persons, however, even after lapse of more than nine months, the investigation has not yet been concluded and the same has been

lingering-on on one pretext or the other and the police is not investigating the matter in fair and impartial manner.

3. Learned AGA prays for and is granted ten days' time to file counter affidavit clearly indicating therein the material collected during the course of investigation and the progress made therein.

4. List this case on 15.07.2025 before the appropriate Bench."

6. There is nothing on record to show that the learned A.G.A. has complied with the order dated 05.06.2025.

7. Be that as it may, considering the fact that F.I.R. was lodged on 28.08.2024 and a period of more than two years has rolled by from the date of lodging of F.I.R., in all probability, the requisite police report / final report must have been submitted by the concerned Investigating Officer. Therefore we are of the view that by efflux of time, the present writ petition has been rendered infructuous.

8. It is accordingly dismissed as having rendered infructuous.

October 8, 2026
ss

(Dr. Ajay Kumar-II,J.) (Rajeev Misra,J.)

Digitally signed by :-
SANDEEP SHARMA
High Court of Judicature at Allahabad