2026:AHC:207756-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 12038 of 2025

Smt. Resham And Another

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Vijay Nishad
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. Vijay Nishad is duly published in the cause list, but neither he nor anyone on his behalf is present to press the present writ petition, even in revised call.

3. Learned AGA representing the State respondents 1, 2, 3 is present.

4. Perused the record.

5. Petitioners Smt. Resham and another have approached this Court by means of present criminal miscellaneous writ petition challenging the impugned FIR dated 21.5.2025 lodged by first informant respondent 3, Gautam and registered as Case Crime No. 167 of 2025l under Sections 87 BNS, Police Station - Atrauliya, District - Azamgarh.

6. Present writ petition came up for admission on 6.6.2025 and this Court passed the following order.

"The first petitioner and the second petitioner have married according to Hindu rites on 25.05.2025 at the Arya Samaj, Shivpuri, Chinahat, Lucknow.

A perusal of the first petitioner's mark-sheet relating to her High School shows that her date of birth is 01.01.2004 which clearly shows her to be a major. There is a joint affidavit filed by both the petitioners in support of this petition. The fourth respondent, who is the first petitioner's father is averse to the marriage and the learned counsel for the petitioners argues that he is out to separate the petitioners by resort to abuse of process of criminal law.

Prima facie, a case is made out.

Admit.

Issue notice to respondent No. 4, returnable on 14.07.2025.

Steps to serve respondent no. 4 shall be taken by R.P.A.D. within a week.

Notice on behalf of respondent nos. 1 to 3 is accepted by Mr. Nagendra Kumar Srivastava, learned Additional Government Advocate-I. He is granted three weeks' time to file a counter affidavit.

List for orders on 14.07.2025 along with a report regarding service and the postal track attached. A report regarding status of pleadings shall also be made by the office.

(Order on Criminal Misc. Stay Application No. 1 of 2025)

Issue notice.

Until further orders of this Court, the petitioners shall not be arrested in connection with Case Crime No. 167 of 2025, under Sections 87 of the Bharatiya Nyaya Sanhita, 2023, Police Station- Atrauliya, District- Azamgarh.

It is, however, made clear that further investigation may go on and brought to its logical conclusion.

Let this order be communicated to the Senior Superintendent of Police, District- Azamgarh and the Station House Officer, Police Station- Atrauliya, District- Azamgarh through the learned Chief Judicial Magistrate, Azamgarh by the Registrar (Compliance) within 48 hours."

7. On the matter being taken up, learned AGA representing the State respondents 1, 2, 3 submits that during pendency of present writ petition, Investigating Officer, upon completion of statutory investigation of aforementioned case crime number, has forwarded the final report/police report dated 5.7.2025 in terms of Section 193(3) BNSS.

8. In view of above, the present writ petition has been rendered infructuous. It is accordingly dismissed as having rendered infructuous.

9. Interim order, if any, stands vacated.

October 5, 2026
S.K.S.

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

Digitally signed by :-
SUNIL KUMAR SINGH
High Court of Judicature at Allahabad