2026:AHC:211429-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 11939 of 2025

Mukesh @ Mukku And Another

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Binod Kumar Tripathi
Counsel for Respondent(s)	:	G.A.

Court No. - 47

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

1. Heard Mr. Binod Kumar Tripathi, the learned counsel for petitioners and the learned AGA for State-respondents 1 & 2.

2. Perused the record.

3. Petitioners-Mukesh @ Mukku and Chinki Yadav have approached this Court by means of present Criminal Misc. Writ Petition challenging the impugned FIR dated26.05.2025 lodged by first informant-respondent-3, Smt. Suhaga and registered as Case Crime Number 322 of 2025, under Section 87 BNS, Police Station-Jagdishpura, District-Agra.

4. Present writ petition came up for admission on 05.06.2025 and this Court passed the following order;-

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

2. The relief sought in this petition is for quashing of the F.I.R. dated 26.05.2025 registered as Case Crime No.322 of 2025, under Sections 87 BNS, Police Station- Jagdishpura, District- Agra. Further prayer has been made not to arrest the petitioners in the aforesaid case.

3. Submission is, petitioner No. 1 and petitioner No. 2 have married of their free will. As to the age, it has been submitted that both are major as per High School Certificates of the petitioners, brought on record as Annexures-3 & 4 of the writ petition. Merely because respondent no.3,

the mother of petitioner No.2 opposed the marriage, the present prosecution has been lodged against petitioner No.1.

4. The matter requires consideration.

5. Learned AGA has accepted notice on behalf of State-respondent nos.1 to 2. Issue notice to respondent no.3 returnable at an early date. Steps may be taken within a week.

6. All the respondents are accorded six weeks time to file counter-affidavit. The petitioners will have two weeks thereafter to file rejoinder affidavit.

7. List in the week commencing 15.09.2025.

8. Till the next date of listing or till submission of the police report under Section 193 (3) of Bhartiya Nagrika Suraksha Sanhita, 2023, whichever is earlier, the respondents are restrained to arrest the petitioners pursuant to the impugned F.I.R. subject to cooperation in the on-going investigation."

5. Above interim order dated 05.06.2025 was not extended thereafter. Prima-facie, we are of the view that in the interregnum, the Investigating Officer must have submitted the requisite police report. As such, for all practical purposes, present writ petition has been rendered infructuous.

6. It is, accordingly, **dismissed** as having rendered infructuous.

7. Interim order, if any, shall stand vacated.

October 8, 2026
Vinay

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

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