HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 11970 of 2025

Ashok Chauhan And 2 Others

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Archana Chauhan, Basant Kumar Chauhan, Devid Kumar Singh
Counsel for Respondent(s)	:	G.A., Nirbhay Singh

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 names of Mr. Basant Kumar Chauhan, Devid Kumar Singh and Archana Chauhan are duly published in the cause list as counsel for petitioners, but neither they nor anyone on their 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 Ashok Chauhan and 2 others have approached this Court by means of present criminal miscellaneous writ petition challenging the impugned FIR dated 27.5.2025 lodged by first informant respondent 4 - Suraj Chauhan and registered as Case Crime No. 135 of 2025, under Section 115 (2), 108 BNS, Police Station - Tarava, District - Azmagarh.

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

"1. Heard learned counsel for the petitioners, learned AGA for the State and perused the record.

2. Learned counsel for the petitioners has submitted that petitioners are wholly innocent and have been falsely implicated in the present case due to ulterior motive. Learned counsel for the petitioners has next submitted that even taking into consideration the entire allegations made in the first information report on its face value, no offence is disclosed against the petitioners and, as such, the impugned first information report qua the petitioners is liable to be quashed.

3. Matter requires consideration.

4. Issue notice to respondent No. 3 returnable within four weeks.

5. Steps be taken within a week.

6. Learned AGA may also file counter affidavit within the said period. Rejoinder affidavit, if any, may be filed within one week thereafter.

7. List on 7.8.2025 before the appropriate Bench.

8. Till then, the petitioners shall not be arrested in pursuance of FIR dated 27.05.2025 arising out of Case Crime no. 135 of 2025, under Section 115 (2), 108 B.N.S., Police station- Tarava, District- Azamgarh".

7. Upon perusal of order sheet, we find that there is nothing on record to show that petitioners have taken steps for service upon first informant-respondent 4. Be that as it may, considering the fact that the FIR giving rise to present writ petition was lodged on 27.5.2025 and further a period of more than one year has expired since then, we are of the view that the requisite police report in terms of Section 173(2) Cr.PC must have been submitted. For all practical purposes, the present writ petition appears to have been rendered infructuous.

8. It is accordingly **dismissed.**

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