2026:AHC:211764-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 12178 of 2025

Ajmain And 4 Others

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Zainul Abdin
Counsel for Respondent(s)	:	G.A.

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. Zainul Abdin is duly published in the cause list as counsel for petitioners but neither he nor anyone on his behalf is present to press the present writ petition even in revised call.

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

4. By means of present writ petition, petitioners have challenged the impugned FIR dated 2.6.2025 lodged by first informant/respondent-4, Naeem @ Babu and registered as Case Crime No. 0259 of 2025, under Section 87 BNS, Police Station-Tanda, District-Rampur.

5. Present writ petition came up for admission on 10.6.2025 and this Court passed the following order:

"Admittedly, the first petitioner is a major. The first and the second petitioners have eloped, and the present First Information Report has been lodged by the first petitioner's brother. The categorical case taken in the writ petition is that the first petitioner has moved out of her own freewill and staying with the second petitioner, intending to marry him. It is asserted in paragraph No. 21 that the first petitioner is a major, and neither the State nor the fourth respondent have the right to curtail her movement or her decision to marry any person. The petition is supported by a joint affidavit of petitioner Nos. 1 and 2.

Prima facie, the contention is well-founded.

Admit.

Notice on behalf of respondent Nos. 1 to 3 is accepted by Mr. Shashi Shekhar Tiwari, learned Additional Government Advocate. He is granted four weeks' time to file a counter affidavit.

Issue notice to respondent No. 4, returnable on 16.07.2025.

Steps for the purpose shall be taken by R.P.A.D., within a week.

Adjourned to 16.07.2025.

To be taken up in the cause list of the day for orders, along with a report regarding service and the postal track attached. The office shall also put in a report regarding status of pleadings.

Until further orders of this Court, the petitioners shall not be arrested in Case Crime No. 259 of 2025, under Section 87 of the Bharatiya Nyaya Sanhita, 2023, Police Station Tanda, Rampur, but investigation may go on and brought to its logical conclusion, wherein the petitioners shall cooperate.

In case, the requisites are not deposited as directed, the interim order granted above shall automatically stand vacated.

The Registrar (Compliance) is directed to communicate this order to the Senior Superintendent of Police, Rampur and the Station House Officer, Police Station Tanda, Rampur, both through the learned Chief Judicial Magistrate, Rampur within 72 hours next.

Order Date :- 10.6.2025 "

6. Office has submitted a report dated 15.7.2025 stating therein that learned counsel for petitioner has not taken steps to serve upon respondent 4.

7. Since steps have not been taken, therefore, the writ petition is liable to be dismissed.

8. It is accordingly dismissed.

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

October 8, 2026
YK

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

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