HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 16242 of 2025

Avinash Kumar

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s) : Manish Kumar Singh, Pavan Kishore
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 revised list.

2. Even though the names of Mr. Manish Kumar Singh and Mr. Pavan Kishore are duly published in the cause list as counsel for petitioner, however, neither they nor any one on their behalf is present to press this writ petition even in revised call.

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

4. Petitioner-Avinash Kumar has approached this Court by means of present Criminal Misc. Writ Petition challenging the F.I.R. dated 06.05.2025 lodged by first informant/respondent-4, Ved Prakash Sharma and registered as Case Crime No. 232 of 2025 under Sections 2 (b) (i), 2 (b) (xi)/ 3 (1) of U.P. Gangsters and Anti Social Activities (Prevention) Act, 1986, Police Station-Chauri Chaura, District-Gorakhpur.

5. Present writ petition came up for admission on 12.08.2025 and this court passed the following order:

" 1. This writ petition has been filed for quashing of the First Information Report dated 6.5.2025 giving rise to Case Crime No. 232 of 2025 under Sections 2(b)(i), 2(b) (xi)/3(1) of U.P. Gangster and Anti-Social Activities(Prevention) Act, 1986, Police Station Chauri chaura, District Gorakhpur. The petitioner has also prayed that he be not arrested in pursuance of the impugned FIR.

2. Contention of learned counsel for the petitioner is that without any joint meeting and due discussion, which is imperative as per Rules 5(3)(a), of the U.P. Gangster and Anti-Social Activities (Prevention) Rules, 2021, a gang chart has been prepared and the impugned FIR has been lodged. Learned counsel for the petitioner further

states that the petitioner has been bailed out in the two base cases.

3. Matter requires consideration.

4. Learned AGA appearing for the respondents may file counter affidavit within a period of three weeks. Rejoinder affidavit, if any, may be filed within two weeks thereafter.

5. List thereafter.

6. Till the next date of listing or till the submission of police report, whichever is earlier, the petitioner shall not be arrested in the aforesaid case.

Order Date :- 12.8.2025 "

6. On the matter being taken up, the learned A.G.A. representing State-respondents 1, 2 and 3 submits that during pendency of present writ petition, Investigating Officer upon completion of statutory investigation of aforementioned case crime number in terms of Chapter XII Cr.P.C. has submitted requisite police report/charge sheet dated 05.05.2026 as contemplated under Section 193 (3) BNSS Upon submission of aforesaid charge sheet, cognizance has also been taken by concerned Magistrate/Court in exercise of jurisdiction under Section 210 BNSS. Resultantly, petitioner has approached this Court by means of an application under Section 528 BNSS. On the above premise, the learned A.G.A. submits that present writ petition has now been rendered infructuous.

7. Having heard the learned A.G.A. representing State/respondents 1, 2 and 3, considering the objections raised by the learned A.G.A. in opposition to present writ petition as noted herein above, and upon perusal of record, we find that in view of the objections raised by the learned A.G.A. and also the law laid down by Supreme Court in **Pradnya Pranjal Kulkarni Vs. State of Maharashtra and another 2025 SCC OnLine SC 1948,** we are of the view that no cause of action now survives with petitioner to maintain the present writ petition.

8. As a result, present writ petition fails and is liable to be dismissed as infructuous

9. It is accordingly dismissed as having rendered infructuous.

10. Interim order, if any, granted earlier shall stand vacated.

October 5, 2026
YK

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

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