HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 16249 of 2025

Subhash Chand And 4 Others

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ashfaq Ahmed Ansari
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 name of Mr. Ashfaq Ahmed Ansari is duly published in the cause list as counsel for petitioners however neither he nor any one on his 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. Petitioners-Subhash Chand And 4 Others have approached this Court by means of present Criminal Misc. Writ Petition challenging the F.I.R. dated 14.07.2025 lodged by first informant-respondent-4, Smt. Sujata Saini and registered as Case Crime No. 131 of 2025 under Sections 318 (4), 64 (1), 336 (2) B.N.S., Police Station-Gahalheri, District-Saharanpur.

5. Present writ petition came up for admission on 12.09.2025 and this court passed the following order:

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

2. This writ petition has been filed seeking the quashing of the First Information Report dated 14.7.2025 registered as Case Crime No. 131 of 2025, under Sections 318(4), 64(1), 336(2) of B.N.S.,2023, Police Station - Gagalheri, District - Saharanpur.

3. Contention of the learned counsel for the petitioners is that after the petitioner no. 1 got married with the first informant on 6.5.2025 and when the first informant was not staying with the petitioner no.1 then a Suit for restitution of conjugal right was filed being Original Suit No. 818 of 2025 on 26.5.2025. In the first information report it has been stated that even the first informant had got a suit filed for declaring of the marriage as void. Learned counsel for the petitioners states,

therefore, that only to come out of the marriage which had subsequently turned sour, the instant first information report was got lodged. He further submits that when the case was filed under Section 174(3), a report was called for from the Police which gave its report on 26.6.2025 stating that there was no element of rape etc. in the case.

4. Matter requires consideration.

5. The respondents no. 1, 2, and 3 are represented by the learned AGA.

6. Issue notice to the respondent no. 4.

7. The respondents may file counter affidavits within a period of three weeks. Rejoinder affidavit, if any, may be filed within a period of two weeks, thereafter.

8. List on the date indicated in the notice.

9. Till the next date of listing or till submission of police report, whichever is earlier, no coercive action shall be taken against the petitioner pursuant to the aforesaid impugned first information report.

Order Date :- 12.8.2025 "

6. Office has submitted a report dated 05.10.2026 stating therein that learned counsel for petitioners in compliance of order dated 12.08.2025 has not taken steps for service upon first informant/ respondent-4.

7. Since the order dated 12.08.2025 has not been complied, we, therefore, dismiss the present writ petition.

8. 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