2026:AHC:209232-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 16557 of 2025

Gulistana And 2 Others

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Rakesh Kumar Maurya
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. Rakesh Kumar Maurya 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-Gulistana And 2 Others have approached this Court by means of present Criminal Misc. Writ Petition challenging the F.I.R. dated 23.07.2025 lodged by first informant/respondent-4, Inspector In-charge Arun Pawar and registered as Case Crime No. 0159 of 2025 under Sections 2/3 U.P. Gangsters and Anti Social Activities (Prevention) Act, 1986, Police Station-Barla, District-Aligarh.

5. Present writ petition came up for admission on 08.08.2025 and this court passed the following order:

"1. Supplementary affidavit filed in Court today is taken on record.

2. This writ petition has been filed for quashing of the First Information Report dated 23.07.2025 giving rise to Case Crime No. 0159 of 2025 under Section 2/3 of U.P. Gangsters Act & Anti Social Activities (Prevention) Act 1986, P.S.-Barla, District-Aligarh. The petitioners have also prayed that they be not arrested in pursuance of the impugned FIR.

3. Contention of learned counsel for the petitioners is that the petitioners have been implicated falsely under the Gangsters Act only on the basis of a single case in which they have been bailed out. Learned counsel for the

petitioners also submits that there was no due discussion before preparing the gang chart and before the lodging of the impugned FIR. It is further submitted that there was no application of mind. Learned counsel for the petitioners, therefore, submits that there was complete violation of Rules 5(3)(a), 16 and 17 of the U.P. Gangster and Anti-Social Activities (Prevention) Rules, 2021.

4. Matter requires consideration.

5. Learned A.G.A. 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.

6. List thereafter.

7. Till the next date of listing or till the submission of police report, whichever is earlier, the petitioners shall not be arrested "

6. Upon perusal of the order sheet, we find that the interim order dated 08.08.2025 has not been extended, therefore, on date no interim order is operating in present writ petition. Perusal of record further shows that the impugned F.I.R. was lodged against petitioner by respondent-4 on 23.07.2025. On date a period of more than 1 years and 2 months has already been expired since then. In all probability, Investigating Officer upon completion of statutory investigation in terms of Chapter XIII Cr.P.C. must have submitted the police report/charge sheet in terms of Section 193(3) of BNSS. Therefore, we are of the view that, by efflux of time present writ petition has been rendered infructuous.

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

8. It is accordingly dismissed as having rendered infructuous.

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

October 5, 2026
Imtiyaz

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

Digitally signed by :-
IMTIYAZ AHMAD
High Court of Judicature at Allahabad