2026:AHC:209163-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 17233 of 2025

Shashikant Maurya And 2 Others

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Bharat Bhushan Paul
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. Bharat Bhushan Paul, Advocate is duly published in the cause list as counsel for petitioners but neither he nor any one on his behalf is present to press present writ petition even in revised call.

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

4. Petitioners-Shashikant Maurya And 2 Others have approached this Court by means of present Criminal Misc. Writ Petition challenging the F.I.R. dated 09.06.2025 lodged by first informant/respondent-4, Arvind Pal Singh Parmar and registered as Case Crime No. 170 of 2025, U/s 318(4), 316(2), 338, 336(3), 340(2) of B.N.S. 2023, Police Station Kotwali, District Badaun

5. Present writ petition came up for admission on 07.08.2025 and this Court passed the following order:-

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

2. Criminal Misc. Exemption Application No.01 of 2025 is allowed.

3. This writ petition has been filed seeking the quashing of the First Information Report dated 9.6.2025 registered as Case Crime No.170 of 2025, under Sections 318(4), 316(2), 338, 336(3), 340 (2) of the B.N.S.,2023, Police Station - Kotwali, District - Badaun.

4. Contention of the learned counsel for the petitioners is that the facts of

the case are similar to the case in Criminal Misc. Writ No.13735 of 2025. Learned counsel for the petitioners in this case also submitted that the petitioners would sort out the modalities of refund of the amount of the investors.

5. Matter requires consideration.

6. The respondents no. 1 to 3 are represented by the learned AGA.

7. Issue notice to the respondent no. 4.

8. 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.

9. Connect and list with Criminal Misc. Writ No.13735 of 2025.

10. 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.

11. On the next date of listing, the petitioners shall bring on record by means of a supplementary affidavit, as to how much money had been refunded by the petitioners. "

6. Considering the facts and circumstances of the case, we are of the view that since FIR giving rise to present writ petition was lodged on 09.06.2025. On date, a period of more than one year and 3 months has expired from the date of lodging the F.I.R., therefore, in all probability, Investigating Officer upon completion of statutory investigation in terms of Chapter XII Cr.P.C. must have submitted requisite police report/charge sheet in terms of Section 173 (2) Cr.P.C.

7. In view of above, we are of the view that by efflux of time, the present writ petition has been rendered infructuous.

8. It is accordingly, **dismissed** as having rendered infructuous.

9. Interim order, if any, stands vacated.

October 5, 2026
Imtiyaz

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

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