2026:AHC:207376-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 16377 of 2024

Dipak Kumar And 3 Others

.....Petitioner(s)

Versus

State Of Up And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ram Bali Ram
Counsel for Respondent(s)	:	G.A.

Court No. - 47

HON'BLE RAJEEV MISRA, J.
HON'BLE JAI KRISHNA UPADHYAY, J.

1. Heard Mr. Ram Bali Ram, the learned counsel for petitioners and the learned A.G.A. for State/respondents 1, 2 and 3.

2. Perused the record.

3. Petitioners-Dipak Kumar And 3 Others have approached this Court by means of present Criminal Misc. Writ Petition challenging the F.I.R. dated 15.08.2024 lodged by first informant/respondent-4, Ramesh Ram @ Ramesh and registered as Case Crime No. 0139 of 2024 under Sections 419, 420, 467, 468, 471, 147 I.P.C., Police Station-Nandganj District-Ghazipur.

4. Present writ petition came up for admission on 15.10.2024 and this court passed the following order:

"1. Heard learned counsel for the petitioners and learned A.G.A. for the respondents.

2. The relief sought in this petition is for quashing of the F.I.R. dated 15.08.2024 registered as Case Crime No.0319 of 2024 under Section 419, 420, 467, 468, 471, 147 IPC, Police Station Nandganj, District Ghazipur. Further prayer has been made not to arrest the petitioners in the aforesaid case.

3. Learned counsel for the petitioners submits that petitioners have no complicity in the instant case. The whole prosecution story is totally false and frivolous and the petitioners have been falsely implicated. As per prosecution version, the father of petitioners namely late Ramesh Chandra Bharti has taken certain loan from the State Bank of India with KCC Account No.35280616376 by playing fraud and forgery of documents related to informant's property/land. Learned counsel for the

petitioners submits that the entire loan has already been paid and No Due Certificate is already issued by the Bank, which is appended as Annexure no.3 to the writ petition. He submits that petitioners have concern in the said sanctioning of loan, which is already paid and he also does not have any criminal antecedent to his credit.

4. Issue notice to the respondent No.4 returnable at an early date.

5. Steps be taken within a week by ordinary process as well as by registered post.

6. All the respondents may file counter affidavit within six weeks. Petitioners shall have one week, thereafter, to file rejoinder affidavit.

7. List thereafter.

8. Considering the facts and circumstances of the case as briefly discussed above, as an interim measure, till the next date of listing or till submission of police report u/s 193(3) B.N.S.S., whichever is earlier, no coercive action be taken against the petitioners pursuant to the impugned FIR, subject to cooperation in the on-going investigation.

Order Date :- 15.10.2024 "

4. Upon perusal of the order sheet, we find that the said interim order dated 15.10.2024 was extended from time to time. On the last occasion, vide order 02.09.2026 the interim order was extended, which reads as under:

"Office is directed to trace out the counter affidavit filed on behalf of the State and place it in the record by the next date of listing.

List after two weeks.

Interim order dated 15.10.2024 to continue till the next date of listing. "

5. Learned A.G.A. submits that he has filed his counter affidavit on behalf of State/reaspondents 1, 2 and 3. However, the same is not on record.

6. Be that as it may, considering the fact that the FI.R. giving rise to present writ petition was lodged 15.08.2024 and a period of more than two years has expired from the date of lodging of the F.I.R., in all probability, Investigating Officer upon completion of statutory investigation in terms of

Chapter XII Cr.P.C. must have submitted the police report/charge sheet in terms of Section 173 (2) Cr.P.C. 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.

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

October 5, 2026
YK

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