HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 16909 of 2024

Sunil Kumar Verma

.....Petitioner(s)

Versus

State Of Up And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Mata Prasad, Ramesh Kumar Shukla, Smriti Gupta
Counsel for Respondent(s)	:	Bhuvnesh Kumar Singh, G.A.

Court No. - 47

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

1. Heard Ms. Kirti Sharma holding brief of Mr. Ramesh Kumar Shukla, the learned counsel for petitioner and the learned A.G.A. for State/respondents 1, 2 and 3.

2. Perused the record.

3. Petitioner-Sunil Kumar Verma has approached this Court by means of present Criminal Misc. Writ Petition challenging the F.I.R. dated 03.09.2024 lodged by first informant/respondent-4, Mohd. Shahjad and registered as Case Crime No. 0837 of 2024 under Sections 420, 406, 506 I.P.C., Police Station-Kotwali Shahar, District-Bijnor.

4. Present writ petition came up for admission on 27.09.2024 and this court passed the following order:

"1. The petitioner claims to be a bank officer who has initiated proceeding against the respondent nos. 4 & 5.

2. Respondent nos. 4 & 5 prays for and is allowed four weeks time to file counter affidavit. Petitioner may file rejoinder affidavit within two weeks.

3. List this case after six weeks.

4. Till the next date of listing or till cognizance is taken by court on police report submitted under Section 173(2) Cr.P.C., whichever is earlier, the respondents are restrained from arresting the petitioner pursuant to the First Information Report dated 03.09.2024 registered as Case Crime No. 0837 of 2024, under Sections- 420, 406, 506 IPC, Police Station- Kotwali Shahar, District- Bijnor, subject to cooperation in ongoing investigation.

Order Date :- 27.9.2024 "

5. Upon perusal of the order sheet, we find that the interim order dated 27.092024 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 03.09.2024. On date a period of more than 2 years and 7 months has already been expired since then. 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.

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

7. It is accordingly dismissed as having rendered infructuous.

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