HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 21293 of 2025

Sarfaraz Ahmad (Wrongly Mentioned In The Fir As Mohammad Sarfaraz) And Another .....Petitioner(s)

Versus

State Of Up And 3 Others .....Respondent(s)

Counsel for Petitioner(s)	:	Mohd.Sartaz Ahmad Siddiqui, Mumtaz Ahmad Siddiqui
Counsel for Respondent(s)	:	G.A., Sunil Kumar Shukla

Court No. - 47

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

1. Case called out in the revised list.

2. Even though the names of Mohd. Sartaz Ahmad Siddiqui and Mr. Mumtaz Ahmad Siddiqui are duly published in the cause list as counsel for the petitioners, but neither they nor anyone on their behalf is present to press the present writ petition, even in revised call. Learned A.G.A. representing the State respondents 1 to 3 is present. Even though the name of Mr. Sunil Kumar Shukla is also published in the cause list as counsel for the first informant, respondent no.4, but neither he nor anyone on his behalf is present to oppose the present writ petition, even in revised call.

3. Perused the record.

4. Petitioner Sarfaraz Ahmad and one another have approached this Court by means of present criminal miscellaneous writ petition, challenging the impugned FIR dated 02.06.2025 lodged by first informant, respondent 4, Mashroor Khan and registered as Case Crime No.166 of 2025, under Sections 318 (4), 338, 336 (3), 340 (2), 237, 61 (2) of B.N.S., 2023, Police Station Kutubsher, District Saharanpur.

5. Present writ petition came up for admission on 19.09.2025, and this Court passed the following order:-

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

2. From the allegations in the FIR it appears that there is a civil dispute regarding title to the land of the disputed Masjid.

3. Matter requires consideration.

4. Issue notice to respondent no.4.

5. Steps be taken within a week.

6. All the respondents may file counter affidavit within period of four weeks. Petitioners may file rejoinder affidavit within two weeks.

7. List thereafter.

8. Till the next date of listing or till cognizance is taken by court on police report submitted under Section 193(3) B.N.S.S., whichever is earlier, the respondents are restrained from arresting the petitioners pursuant to the First Information Report dated 2.6.2025, registered as Case Crime No.166 of 2025, under Sections- 318(4), 338, 336(3), 340(2), 237, 61(2) B.N.S., Police Station- Kutubsher, District- Saharanpur, subject to cooperation in ongoing investigation. "

6. Upon perusal of order sheet, we find that the interim order dated 19.09.2025 has not been extended. As such, no interim order is operating in the present petition. Moreover, FIR impugned in the present petition was lodged on 02.06.2025, and a period of 1 year and 3 months have expired. In all probability, chargesheet/police report must have been submitted by the investigating officer, upon which cognizance could also have been taken by the jurisdictional Magistrate. We are, therefore, of the considered opinion that by efflux of time, present petition has been rendered infructuous.

7. It is accordingly **dismissed** as having rendered infructuous.

8. Interim order, if any, shall stand vacated.

October 5, 2026
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(Jai Krishna Upadhyay,J.) (Rajeev Misra,J.)

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