2026:AHC:227118-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 21246 of 2026

Cheenu Alias Chandra Mani And 7 Others

.....Petitioner(s)

Versus

State Of Up And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ashok Kumar Singh Bais
Counsel for Respondent(s)	:	G.A., Karuna Srivastava, Santosh Kumar Srivastava

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Court No. - 47

HON'BLE RAJEEV MISRA, J.
HON'BLE DR. AJAY KUMAR-II, J.

1. Heard Mr. Anuj Kumar holding brief of Mr. A.K. Singh Bais, the learned counsel for petitioners and the learned A.G.A. for State-respondents 1 and 2.

2. Perused the record.

3. Petitioners- Cheenu alias Chandra Mani and 7 others have approached this Court by means of present Criminal Misc. Writ Petition challenging the impugned FIR dated 14.07.2026 lodged by first informant- respondent 3 Neha Sharma and registered as Case Crime No. 165 of 2026, under Sections 115(2), 352, 351(2), 85, 75, 64 BNS, P.S.- Nanauta, District- Saharanpur.

4. On the matter being taken up, the learned AGA for State respondents 1 and 2 submits that during pendency of present writ petition, investigating officer upon completion of statutory investigation of aforementioned case crime number, has submitted charge sheet/ police report dated 06.10.2026 in terms of Section 173(2) Cr.P.C./ Section 193(3) BNSS whereby petitioners 1, 2, 4 and 6 have been chargesheeted and petitioners 3, 5, 7 and 8 have been exculpated. On the above premise, the learned AGA thus submits that remedy lies to petitioners 1, 2, 4 and 6 to approach this Court by means of an application under Section 528 BNSS challenging the said charge-sheet as well as cognizance taking order/ summoning order to be passed by jurisdictional magistrate upon the aforesaid charge-sheet. It is further submitted by learned AGA that since petitioners 3, 5, 7 and 8 have

been exculpated in the crime in question, therefore, present writ petition on their behalf is liable to be dismissed.

5. When confronted with above, learned counsel for petitioners could not overcome the same.

6. In view of above, prayer prayed for by means of present writ petition in respect of petitioners 1, 2, 4 and 6 is hereby refused. The writ petition in respect of petitioners 3, 5, 7 and 8 shall stand dismissed.

7. Having heard the learned counsel for petitioners, the learned A.G.A. for State-respondents 1 and 2 and upon perusal of record we find that in view of submission urged by learned AGA for State- respondents as noted herein-above, this writ petition shall stand dismissed as withdrawn with liberty to petitioners 1, 2, 4 and 6 to approach this Court in exercise of jurisdiction under Section 528 BNSS.

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

(Dr. Ajay Kumar-II,J.) (Rajeev Misra,J.)

November 2, 2026
Dhirendra/

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