2026:AHC:207701-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 17262 of 2024

Ashutosh Singh

.....Petitioner(s)

Versus

State Of Up And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Neeja Srivastava, Sr. Advocate
Counsel for Respondent(s)	:	G.A.

Court No. - 47

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

1. Heard Ms. Rekha Sharma, Advocate, holding brief of Mrs. Neeja Srivastava, the learned counsel for petitioner and the learned A.G.A. for State respondents 1, 2 & 3

2. Perused the record

3. Petitioner- Ashutosh Singh has approached this Court by means of present Criminal Misc. Writ Petition challenging the FIR dated 10.09.2024 lodged by first informant-respondent-4, Dr. Indra Singh, District Social Welfare Officer, District Auraiya and registered as Case Crime No. 638 of 2024, under Sections 316 of B.N.S., Police Station-Dibiyapur, District-Auraiya.

4. At the very outset, the learned A.G.A. for State-respondents 1, 2 and 3 submits that after completion of statutory investigation of concerned case crime number in terms of Chapter XIII BNSS, Investigating Officer has forwarded the charge sheet/police report dated 24.02.2025 in terms of Section 193(3) BNSS. In view of above, the learned A.G.A. submits that remedy now lies to petitioner to approach this Court by means of an application under Section 528 BNSS challenging aforementioned charge sheet/police report as well as the cognizance taking order/summoning order to be passed by the Jurisdictional Magistrate in exercise of jurisdiction under Section 210 BNSS. As such, no interference is warranted by this Court in present writ petition.

5. When confronted with above, the learned counsel for petitioner fairly submits that in view of the objections raised by the learned A.G.A. in opposition to present writ petition, the present writ petition be dismissed as withdrawn with liberty to petitioner to approach this Court by means of an

application under Section 528 BNSS.

6. Learned A.G.A. for State-respondents 1, 2 and 3 has no objection to the prayer made by the learned counsel for petitioner.

7. In view of above, the prayer prayed for by means of present writ petition is refused.

8. Having heard, the learned counsel for petitioner, the learned A.G.A. for State-respondents 1, 2 and 3 upon perusal of record and considering the submissions urged by the learned counsel for petitioner, the present writ petition shall stand dismissed as withdrawn with liberty aforesaid.

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

October 5, 2026
Imtiyaz

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

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