2026:AHC:208337-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 25192 of 2025

Govind Diwakar

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Santosh Singh
Counsel for Respondent(s)	:	Anjum Parveen, G.A., Ram Sajiwan Mishra, Satyam Mishra, Siddarth Jaiswal

Court No. - 47

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

1. Case called out in the revised list. Even though the name of Mr. Santosh Singh is duly published in the cause list as counsel for petitioner, but neither he nor anyone on his behalf is present to press the present writ petition.

2. Learned AGA representing the State respondents 1 to 3 is present. Even though the name of Ms. Anjum Parveen, Siddharth Jaiswal, Satyam Mishra and Ram Sajiwan Mishra are duly published in the cause list as counsel for first informant respondent 4 but neither they nor anyone on their behalf is present to oppose the present writ petition even in the revised call.

3. Petitioner Govind Diwakar has approached this Court by means of present criminal misc writ petition challenging the impugned FIR dated 24.10.2025 lodged by first informant respondent 4 and registered as Case Crime No. 296 of 2025, under Section 64(2)(m), 115(2), 351(3) & 89 BNS, Police Station - Barra, District - South Commissionerate Kanpur Nagar.

4. Present writ petition came up for admission on 07.10.2025 and this Court passed the following order.

"At the request of learned counsel for the petitioner, list as fresh on 08.12.2025."

5. Thereafter the present writ petition was listed on 08.12.2025 and this Court passed the following order.

"1. Mr. Satyam Mishra, Advocate prays for and is granted four weeks' time to file a counter affidavit.

2. Rejoinder affidavit, if any, may be filed within two weeks', thereafter.

3. List on 10.02.2026".

6. It is thus evident that no interim order has been passed by this Court in present writ petition. Since the FIR impugned in present writ petition was lodged on 24.10.2025 and considering the above and also the fact that a period of more than 11 months has expired from the date of the lodging of FIR, the Investigating Officer must have submitted the chargesheet or the police report upon which the jurisdictional magistrate would also have taken cognizance. We are therefore of the view that by efflux of time the present writ petition has been rendered infructuous. It is accordingly dismissed as having been rendered infructuous.

7. Interim order if any shall stand vacated.

October 5, 2026
S.K.S.

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

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