HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 26870 of 2025

Smt. Kajal And Another

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Rajendra Singh Yadav
Counsel for Respondent(s)	:	G.A., Rajeev Malviya, Sudhanshu Kumar Singh

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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. Rajendra Singh Yadav is duly published in the cause list as counsel for petitioners, but neither he nor anyone on his behalf is present to press the present writ petition.

2. Learned AGA representing the State respondents 1, 2, 3 is present. Even though the names of Mr. Sudhanshu Kumar Singh and Rajeev Malviya are also published in the cause list as counsel representing 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. Petitioners Smt. Kajal and another have approached this Court by means of present criminal misc writ petition challenging the impugned FIR dated 06.11.2025 lodged by first informant respondent 4 and registered as case Case Crime No. 636 of 2025, under Section 87 BNS, Police Station - North, District - Firozabad.

4. Present writ petition came up for admission on 28.11.2025 and this Court passed the following order.

"1. Heard learned counsel for the petitioners, learned A.G.A. for the State-respondents and learned counsel for the respondent no.4.

2. This writ petition has been filed for quashing of the First Information Report dated 06.11.2025 giving rise to Case Crime No. 636 of 2025, under Section 87 of B.N.S., 2023, Police Station - North, District - Firozabad.

3. Contention of the learned counsel for the petitioners is that the petitioner no. 1 and the petitioner no. 2 are adults and they have married each other of their own free will.

4. Learned A.G.A. opposes the writ petition and submits that it would be in the fitness of things that the statement of the petitioner no.1 be got recorded under Section 183(5) of B.N.S.S., 2023.

5. We consider it appropriate that the petitioner no.1 may get recorded her statement under the relevant laws before the concerned Magistrate.

6. The Investigating Officer may facilitate the recording of the statement of the petitioner no. 1.

7. List this case on 28.01.2026. On that date the statement recorded be brought on record.

8. Till the next date of listing, the petitioners shall not be arrested. The petitioners will cooperate with the investigation. In the event they fail to do so, the police shall be at liberty to approach this Court by means of an application."

5. Thereafter present writ petition was listed on 28.01.2026 and this Court passed the following order.

"1. List after three weeks.

2. Interim order, if any, is extended till the next date of listing."

6. There is nothing on record to show that the interim order dated 09.12.2025 was extended subsequently. As such no interim order is operating in present writ petition on date. In view of above, in all probability the investigation must have been brought to its logical conclusion. We are therefore of the view that by efflux of time 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