2026:AHC:227146-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 26071 of 2026

Akbar Ali And 3 Others

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Arun Kumar Tiwari
Counsel for Respondent(s)	:	G.A.

Court No. - 47

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

1. Heard Mr. Arun Kumar Tiwari, the learned counsel for petitioners and the learned A.G.A. for State/respondents 1, 2 and 3.

2. Perused the record.

3. Petitioners-Akbar Ali and three others have approached this Court by means of present Criminal Misc. Writ Petition challenging the F.I.R. dated 23.08.2026 lodged by first informant/respondent-4, Yogesh Duggal and registered as Case Crime No. 0155 of 2026, under Sections 329(4), 352, 351(2) of BNSS, Police Station Gujaini South (Commissionerate Kanpur Nagar) District Kanpur Nagar.

4. On the matter being taken up, the learned A.G.A. representing State-respondent-1-3 submits that during pendency of present writ petition, Investigating Officer upon completion of statutory investigation of aforementioned case crime number in terms of Chapter XII Cr.P.C. has already submitted the charge sheet/ police report dated 10.10.2026 as contemplated under Section 193(3) BNSS. On the above premise, it thus contended by the learned A.G.A. that now remedy lies to petitioners 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. It is thus urged by the learned A.G.A. that no interference is warranted by this court in present writ petition.

5. When confronted with above, the learned counsel for petitioners could not overcome the same. He, however, submits that in view of the objections raised by the learned A.G.A. in opposition to instant writ petition, the present writ petition be dismissed as withdrawn with liberty to file an application under Section 528 BNSS.

6. Learned A.G.A. representing State/respondents 1, 2 and 3 has no objection to the aforesaid prayer made by the learned counsel for petitioners.

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

8. Having heard the learned the learned counsel for petitioners, the A.G.A. representing State/respondents 1, 2 and 3, upon perusal of record and considering the rival submissions urged by the counsel for parties, as noted herein above, the instant writ petition shall stand **dismissed** as withdrawn with liberty aforesaid.

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

November 2, 2026
Monika

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

Digitally signed by :-
MONIKA KESARWANI
High Court of Judicature at Allahabad