HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 29681 of 2025

Shadab Malik

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Farida Jamal, Mohammad Wasiuddin, Syed Shahnawaz Shah
Counsel for Respondent(s)	:	G.A.

Court No. - 47

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

1. Case called out in revised list.

2. Even though, the names of Ms. Farida Jamal, Mr. Mohammad Wasiuddin and Mr. Syed Shahnawaz Shah are duly published in cause list as counsel for petitioner but neither they nor anyone on their behalf is present to press the present writ petition, even in revised call.

3. Learned AGA for State-respondents 1 & 2 is present.

4. Petitioner-Shadab Malik has approached this Court by means of present criminal misc. writ petition challenging the impugned FIR dated 04.12.2025 lodged by first informant-respondent-3, Sri Jai Prakash and registered as Case Crime Number No. 701 of 2025, under Section 420 IPC, Police Station- Pilakhuwa, District-Hapur.

5. Present writ petition came up for admission on 12.02.2026 and this Court passed the following order:-

"Shri Mohd. Nooruddin Khan, learned counsel holding brief of Shri Syed Shahnawaz Shah, learned counsel for the petitioner contends that the F.I.R. arises out of unlawful availment of input tax credit. According to learned counsel for the petitioner the proceedings were ex-parte to the petitioner. The petitioner has been advised to avail remedies under the statute to assail the tax adjudication made against the petitioner by the revenue. The F.I.R. is actuated by malafides and is being leveraged to burnish the credentials of the revenue authorities.

Learned counsel for the petitioner has also relied upon a judgment of the Supreme Court rendered in Salib @ Shalu @ Salim Vs State of U.P. and others reported at 2023 SCC Online SC 947 wherein after taking note of the tendency among unscrupulous litigants to lodge false criminal cases it was held:

"26. At this stage, we would like to observe something important. Whenever an accused comes before the Court invoking either the inherent powers under Section 482 of the Code of Criminal Procedure (Cr.P.C.) or extraordinary jurisdiction under Article 226 of the Constitution to get the FIR or the criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstances the Court owes a duty to look into the FIR with care and a little more closely. We say so because once the complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance, etc., then he would ensure that the FIR/complaint is very well drafted with all the necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, it will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under Section 482 of the CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation. Take for instance the case on hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances the registration of multiple FIRs assumes importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged."

Matter needs consideration.

Shri Ravi Shekhar Pandey, learned Additional Chief Standing Counsel and learned AGA to file counter affidavit within a period of four weeks.

List after four weeks before the appropriate Bench.

Till the next date of listing or till the filing of the police report under Section 173 Cr.P.C./193 BNSS, whichever is earlier, the arrest of the petitioner pursuant to the first information report dated 04.12.2025 registered as Case Crime No. 701 of 2025, under Section 420 of IPC, Police Station Pilakhuwa, District-Hapur shall remain stayed.

The petitioner is directed to cooperate in the police investigation.

The counter affidavit on behalf of the State shall also disclose whether the petitioner has been cooperating in the police investigation or not.

It is clarified that this matter shall not be treated as part heard or tied up to this Bench. "

6. Upon perusal of order sheet, we find that the interim order dated 12.02.2026 has not been extended. As such, on date no interim order is operating in favour of petitioner. Apart from above, this Court further finds by means of interim order dated 12.02.2026, this Court had granted limited protection to petitioners by staying their arrest and not the investigation of concerned case crime number.

7. Considering the above and also the fact that the impugned FIR was lodged on 04.12.2025 and a period of one year has been expired since then, in all probability, the investigation of concerned case crime number must have been brought to its logical conclusion.

8. We are, therefore, of the considered opinion that by efflux of time, this writ petition has been rendered infructuous.

9. It is, accordingly, **dismissed** as having been rendered infructuous.

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

October 27, 2026
Imtiyaz

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

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