HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 30019 of 2025

Anwar Ahmad

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Prafulla Chandra, Rajesh Rai
Counsel for Respondent(s)	:	G.A.

Court No. - 47

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

1. Case called out in revised list.

2. Heard Mr. Rajesh Rai, the learned counsel for petitioner and the learned AGA representing state respondents 1, 2, 3.

3. Perused the record.

4. Petitioner, Anwar Ahmad has approached this Court by means of present writ petition, challenging FIR dated 27.07.2025, lodged by first informant respondent 4, Sanjeev Kumar, Ahalmad, S.D.M. Court, Mauranipur, District Jhansi and registered as Case Crime No.0326 of 2025, under Section 316(5) of BNS, P.S. Mauranipur, District Jhansi.

5. Present writ petition came up for admission on 27.4.2026, and this Court passed the following order:

"Order on Writ Petition.

This matter was mentioned in the morning indicating an urgency. The mention was accepted and the matter is, accordingly, taken up out of turn.

The petitioner has come up with a prayer seeking to quash the impugned FIR giving rise to Case Crime No. 0326 of 2025, under Section 316(5), Police Station - Mauranipur, District - Jhansi.

It is argued that the dispute is about a missing record relating to the case Ram Gopal v. State, decided by the Deputy Collector, where the petitioner was arrested.

The submission is that after the case was decided and the records consigned to Record Room, the petitioner served for another six years and, now, it is twelve years. The petitioner retired in the year 2020. He submits that at the relevant time the record was never sought from him and the list, on the basis of which it is said that it was the petitioner who is responsible, was signed by some other person.

It is also submitted that during 2013, the petitioner was transferred from Jhansi Record Room to Tehsil- Mauranipur.

In substance, the submission is that at this distance of time, to wit, six years after the petitioner's retirement, to hold him criminally liable for the theft of the record of a case is incredible in nature.

A prima facie case is made out.

Admit.

Issue notice.

Notice on behalf of respondent nos. 1 to 3 and 5 is accepted by Mr. Deepakh Kapoor, learned Additional Government Advocate. He is granted two weeks' time to file a counter affidavit.

Steps to serve respondent no. 4 shall be taken by R.P.A.D. within four working days.

List for orders on 18.05.2026 along with a report regarding service and the postal track attached. A report regarding status of pleadings shall also be made by the office.

Order on Criminal Misc. Stay Application No. 1 of 2025.

Issue notice.

Until further orders of this Court, the petitioner, Anwar Ahmad, shall not be arrested in connection with Case Crime No. 0326 of 2025, under Section 316(5), Police Station - Mauranipur, District - Jhansi.

Let this order be communicated to the Senior Superintendent of Police, Jhansi, the Sub-Divisional Officer, Mauranipur Jhansi, District- Jhansi and the Station House Officer, Police Station- Mauranipur, District- Jhansi through the learned Chief Judicial Magistrate, Jhansi by the Registrar (Compliance) within 48 hours."

6. On perusal of record, we find that a period of more than one year has expired from the date of lodging of FIR. In view of above, the Investigating Officer must have submitted the police report in terms of Section 193(3) BNSS. Prima facie, on account of above reason, no rejoinder affidavit has been filed to the counter affidavit filed on behalf of respondents. In view of above, in our opinion, the writ petition has been rendered infructuous. It is accordingly dismissed as having rendered infructuous. Interim order, if any, shall stand vacated.

October 6, 2026
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(Jai Krishna Upadhyay,J.) (Rajeev Misra,J.)

Digitally signed by :-
MAHBOOB SAFI
High Court of Judicature at Allahabad