HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 6629 of 2025

Kamal Akhtar

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Mohd. Asim Zulfiquar
Counsel for Respondent(s)	:	G.A., Gulrez Khan, Ramanuj Pandey

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, name of Mr. Mohd. Asim Zulfiquar 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, even in revised call.

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

4. Even though names of Mr. Gulrez Khan and Mr. Ramanuj Pandey are duly published in the cause list as counsel for first informant-respodent-3 but neither they nor anyone on their behalf is present to oppose the present writ petition, even in revised call.

4. Petitioner-Kamal Akhtar has approached this Court by means of present criminal misc. writ petition challenging the impugned FIR dated 26.01.2025 lodged by first informant-respondent-3, Urfiya Jamal and registered as Case Crime No. 0054 of 2025, under Sections 191(2), 296, 115(2), 74 BNS, Police Station-Civil Lines, District-Moradabad.

5. Present writ petition came up for admission on 09.04.2025 and this Court passed the following order;-

"1. Heard learned counsel for the petitioner and learned A.G.A. for the State.

2. The relief sought in this petition is for quashing of the F.I.R. dated

26.01.2025, registered as case crime no.54 of 2025, under sections 191 (2), 296, 115 (2), 74 BNS, P.S. Civil Lines, District Moradabad. Further prayer has been made not to arrest the petitioners in the aforesaid case.

3. Learned counsel for the petitioner submits that the petitioner is a practicing Advocate in Moradabad Judgeship since 1991 and at present he is Senior Vice President of Bar Association and Library, Moradabad having no criminal antecedent to his credit. He further submits that the informant, who is also an Advocate by profession, taking advantage of her status, she along with her brother had lodged various frivolous FIRs of similar nature against different persons, details of which is averred in paragraph no.14 of the writ petition. He also submits that qua her misconduct the U.P.. Bar Council had debarred her from practicing in any Court of law for six months. Later on, the Bar Council of India on tendering apology took a lenient view and accorded reprieve to her. He next submitted that the informant is habitual of lodging frivolous FIRs, the impugned FIR is also of similar nature. The petitioner is a reputed Advocate of Bar, in case, no relief is accorded to him, he will suffer irreparable loss and injury. The allegations levelled against the petitioner are false and no offence is made out against him. Even though the proceedings are pending and neither the charge-sheet nor the final report has been submitted in the present case.

4. The matter requires consideration.

5. Learned AGA has accepted notice on behalf of State-respondent nos.1 & 2. Issue notice to respondent no.3. returnable at an early date. Steps may be taken within a week.

6. All the respondents are accorded three weeks time to file counter-affidavit. The petitioner will have one week thereafter to file rejoinder affidavit. List immediately thereafter.

7. Until further orders or till submission of the police report under Section 193 (3) of Bhartiya Nagrika Suraksha Sanhita, 2023, whichever is earlier, the respondents are restrained to arrest the petitioner pursuant to the impugned F.I.R. subject to cooperation in the on-going

investigation. "

6. However, upon perusal of the order sheet, we find that aforesaid interim order dated 09.04.2025 was not extended thereafter. As such, on date, no interim order is operating in the present writ petition.

7. Considering the fact that the FIR impugned in the present writ petition was lodged on 26.01.2025, a period of more than one year and 8 months has expired since then and no interim order is operating in the present writ petition, we are, therefore, of the considered opinion that by efflux of time, present writ petition has been rendered infructuous.

8. It is, accordingly, **dismissed** as having rendered infructuous.

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

October 9, 2026
Vinay

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

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