



2026:AHC:59062-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. WRIT PETITION No. - 27291 of 2025

Ramashankar

.....Petitioner(s)

Versus

State Of U.P. And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Prem Sagar Verma
Counsel for Respondent(s)	:	G.A.

Court No. - 47

HON'BLE RAJEEV MISRA, J.
HON'BLE LAKSHMI KANT SHUKLA, J.

1. Heard Mr. Prem Sagar Verma, the learned counsel for petitioner and the learned AGA representing State-respondents 1, 2, 3, 4, 5.

2. Perused the record.

3. Petitioner Ramashankar has approached this Court by means of present writ petition with the following prayer:-

"i. TO ISSUE a writ, order or direction in the nature of mandamus directing the respondents authorities more particularly the Respondent No. 5 Investigating Officer to recover the victim Dipali at the earliest and to conclude the fair and impartial investigation in respect of the First Information Report dated 07.10.2025 registered at Case Crime No. 266/2025, under Section 87 BNS, Police Station Sarai Akil, District Kaushambi in accordance with law within the stipulated period of time to be stipulated by this Hon'ble Court;"

4. Instant writ petition came up for admission on 28.01.2026 and this Court passed the following order:-

"1. Heard Mr. Prem Sagar Verma, the learned counsel for petitioner and the learned AGA representing State-respondents 1, 2, 3, 4 and 5.

2. Perused the record.

3. Present writ petition came up for admission on 16.01.2026 and this Court passed the following order:-

"1. Heard Mr. Prem Sagar Verma, the learned counsel for petitioner and the learned AGA representing State-respondents 1, 2, 3, 4 and 5.

2. Perused the record.

3. Petitioner Ramashakar who is the father of the prosecutrix has approached this Court by means of present Criminal Misc. Writ Petition with the following prayer:-

"(i) TO ISSUE a writ, order or direction in the nature of mandamus directing the respondents authorities more particularly the Respondent No. 5 Investigating Officer to recover the victim Dipali at the earliest and to conclude the fair and impartial investigation in respect of the First Information Report dated 07.10.2025 registered at Case Crime No. 266/2025, under Section 87 B.N.S., Police Station Sarai Akil, District Kaushambi in accordance with law within the stipulated period of time to be stipulated by this Hon'ble Court;"

4. Considering the fact that the prosecutrix has been abducted by the accused/respondent 6 and she has not yet been recovered, coupled with the fact that a period of more than three months have rolled by, we, therefore, direct the concerned Deputy Superintendent of Police/Circle Officer and the Investigating Officer of aforementioned crime number to appear in person along with the original case diary before this Court on 21.01.2026. "

4. In compliance of above order dated 16.01.2026 Mr. Abhishek Singh, Circle Officer, Chayal District Kaushambi and S.I. Jitendra Pratap Singh, the Investigating Officer are present in person in Court today.

5. Learned AGA further submits that the investigation is at advance stage, however the petitioner who is first informant is not co-operating in the investigation.

6. Be that as it may, considering that the missing person is a girl child above 18 years of age, we therefore, direct the petitioner to appear before the Investigating Officer at Police Station concerned on 02.02.2026 at 10:00 am.

7. The Investigating Officer shall seek all information desired from the petitioner on the said date.

8. Matter shall re-appear for orders as fresh on 09.03.2026.

9. On the next date in case the police report in terms of section 193(3) BNSS is not submitted the concerned Circle Officer and the Investigating Officer shall reappear in person. "

5. In compliance of above order dated 28.01.2026 the concerned Circle Officer namely Abhishek Singh and the Investigating Officer namely Jitendra Kumar Singh are present in Court in person.

6. Learned AGA representing State-respondents 1, 2, 3, 4 and 5 has filed personal affidavit on behalf of aforesaid Officers in the registry, which is on record.

7. Learned AGA then submits that during the pendency of present writ petition the missing girl was recovered and thereafter the final report/police report in terms of section 193(3) BNSS dated 06.02.2026 has already been submitted before the court concerned.

8. On the above premise the learned AGA thus submits that no cause of action now survives with the petitioner to maintain the present writ petition. As such the present writ petition is liable to be dismissed as having rendered infructuous.

9. It is then contended by the learned AGA that the orders passed by this Court as are evident from the order sheet could not be complied with on account of miscommunication. There is no deliberate negligence on the part of the State-respondents including the police officers present in Court today. He, therefore, submits that the orders passed by this Court earlier could not be complied with, not due to any deliberate negligence or laches but on account of miscommunication. He, however submits that both the officers render their unconditional apology for the inconvenience caused to the Court.

10. Having heard the learned counsel for petitioners, the learned AGA representing State-respondents 1 to 5 and upon perusal of record we find that no cause of action now survives with the petitioner to maintain the present writ petition.

11. Accordingly, the present writ petition is liable to be dismissed as having rendered infructuous.

12. It is thus dismissed as having rendered infructuous.

13. The non bailable warrants issued against the Circle Officer and the Investigating Officer shall stand recalled. The above named Police Officers who are present in person in Court today shall endorse their presence on the order sheet.

March 20, 2026
Arti

(Lakshmi Kant Shukla,J.) (Rajeev Misra,J.)