



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 582 of 2026

Saurabh Chaudhary

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Ajay Kumar Pathak
Counsel for Opposite Party(s)	:	G.A.

Court No. - 78

HON'BLE AVNISH SAXENA, J.

1. Sri Ajay Kumar Pathak, learned counsel for the accused/applicant appears and submits that the opposite party no.2 has lodged the false and frivolous FIR against the accused/applicant, who is brother-in-law of opposite party no.2. The FIR dated 08.11.2023 is lodged against the accused/applicant and his parents with the allegation that the opposite party no.2 was married to elder brother of accused/applicant on 20.06.2014. On 28.07.2020 the husband of opposite party no.2 passed away leaving behind three children. There is allegation of atrocities on her by her parents-in-law since the death of her husband. It is further alleged that on 13.03.2023 the accused/applicant has committed rape on her on false promise of marriage. She also became pregnant. Learned counsel submits that there is statement of victim recorded under Section 161 Cr.P.C. wherein she has replied the Investigating Officer that the case would not have been filed by her if she would have been given the property of her husband as well as the accused/applicant. He further states that there is inconsistency in the statement of victim recorded under Sections 161 and 164 Cr.P.C. He seeks interference of this Court.

2. On query, he submits that the accused/applicant is facing trial and cross examining the witnesses.

3. Learned AGA submits that the accused/applicant has filed the application under Section 528 B.N.S.S. to quash the charge sheet and the proceedings, whereas simultaneously facing trial.

4. The accused/applicant shall address the court about the maintainability of the application at belated stage.

5. List on 29.01.2026 as fresh.

(Avnish Saxena,J.)

January 13, 2026

Abhishek Sri.