



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 1100 of 2026

Devendra Kumar

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Santosh Kumar, Vikas Mishra
Counsel for Opposite Party(s)	:	G.A.

Court No. - 76

HON'BLE NAND PRABHA SHUKLA, J.

1. Heard Sri Vikas Mishra, learned counsel for the applicant, learned AGA for the State and perused the record.
2. The present application under Section 528 B.N.S.S. has been filed with a prayer to allow this application and to quash/stay the summoning order dated 06.09.2025 passed by the Judicial Magistrate, Court No.03, Aligarh in Complaint Case No.127 of 2025 and Computer Case No.UPAL040039112025 (Devraj Singh Vs. Devendra Kumar & Others) under sections 406 and 504 IPC, Police Station Jawan, District Aligarh, pending in the Court of Judicial Magistrate, Court No.3, District Aligarh.
3. It has been submitted by learned counsel for the applicant that the applicant hired the vehicle from opposite party no.2 and the dispute pertains to the non-payment of rental and loan installment which is commercial in nature. It has further submitted that opposite party no.2 can seek civil remedy by way of filing a suit for recovery of the rental and loan installment due.
4. Matter requires consideration.
5. Issue notice to Opposite Party No. 2, returnable at an early date.
6. Let counter affidavit be filed by the Opposite Party No. 2 within four weeks. Applicants shall have two weeks thereafter to file rejoinder affidavit.

7. List this matter on 21.5.2026 in the daily cause list.

8. Until further orders of this Court, the proceedings of Computer Case No.UPAL040039112025 (Devraj Singh Vs. Devendra Kumar & Others) under sections 406 and 504 IPC, Police Station Jawan, District Aligarh, pending in the Court of Judicial Magistrate, Court No.3, District Aligarh shall remain in abeyance.

(Nand Prabha Shukla,J.)

March 19, 2026

Puspendra