



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 1193 of 2026

Chandan @ Veerbahadur Singh

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Niraj Kumar Sharma
Counsel for Opposite Party(s)	:	G.A.

Court No. - 79

HON'BLE AVNISH SAXENA, J.

1. Sri Abhishek Pandey, learned counsel for accused applicant hands up supplementary affidavit in compliance of the previous order passed by this Court to explain the delay in moving the application. The same is taken on record.
2. Heard Sri Pandey, learned counsel for accused applicant and learned AGA for State.
3. The instant application under Section 528 BNSS has been filed by applicant to quash the charge sheet, cognizance order dated 20.06.2011 and NBW order and proceeding under Section 82 CrPC dated 02.02.2019 in Complaint Case No. 1841/2016 (Jhuriram Vs. Chandan), under Sections 392, 342, 506 IPC, P.S.- Khutahan, District- Jaunpur, pending in the court of ACJM-4th, District Jaunpur.
4. It is contended by learned counsel for applicant that applicant has been falsely implicated by opposite party no. 2. There was village political rivalry between the two families as both the families fought the election of Gram Pradhan. The family of accused applicant came out victorious whereas opposite party no. 2 was defeated. It is in this backdrop, the FIR of gang rape and loot has been lodged by opposite party no. 2 on 17.12.2007 alleging therein that the occurrence was of 14/15.09.2007. After investigation twice the final report has been submitted by the Investigating Officer. It is the second final report which led to the moving of protest petition by opposite party no. 2, converted to a complaint. The

court of ACJM, Jaunpur in order dated 20.06.2011 has taken cognizance only against the applicant whereas in the FIR accused applicant as well as ten unknown persons were mentioned in committing gang rape and loot. Further submits that on the basis of the summoning order the summons have never been served on the applicant. It is only when the proceedings under Section 82 CrPC was initiated by the trial court, then the accused applicant came to know about the pendency of the complaint. Further submits that merely on the basis of two statements which are uncorroborated, cognizance taken through non speaking order, wherein the offence of rape has been denied, hence seeks interference of this Court.

5. Learned A.G.A. for State seeks time to file counter affidavit.
6. Issue notice to opposite party no. 2 returnable at an early date.
7. List on **19.05.2026**.
8. In the meantime, parties may exchange affidavits.
9. Considering the argument raised by learned counsel for accused applicant, further proceeding of the aforementioned case is **stayed** qua the applicant.

(Avnish Saxena,J.)

April 8, 2026

Sharad/-