



Reserved on 13.02.2026

Delivered on 28.04.2026

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 2222 of 2026

Anil Kumar @ Anil Garg @ Anni

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Kamlesh Kumar Tiwari, Priya Tiwari,
Yogesh Shukla

Counsel for Opposite Party(s) : G.A.

Court No. - 80

HON'BLE VIVEK KUMAR SINGH, J.

1. The arguments were heard and judgment was reserved on 13.02.2026.

2. At the time of dictating the judgment in the present case, this Court came to know that the applicant had earlier filed a Criminal Misc. Application under Section 482 Cr.P.C. before this Court, which was dismissed by this Court. However, the number of the aforesaid application under Section 482 Cr.P.C. has not been mentioned in any paragraph of the affidavit, filed in support of the application. Only a vague averment has been made by the applicant in paragraph no.8 of the affidavit. Paragraph no.8 is reproduced hereunder:

"8. That, thereafter charge sheet which is filed against applicant was assailed by filing a Crl. Mic. Application u/s 482 Cr.P.C. before this Hon'ble Court and subsequently the Hon'ble Court was pleased and passed the order dismissing the application u/s 482 Cr.P.C."

2. This Court made a query from the office and came to know that Application under Section 482 No. 28416 of 2017 was filed by the applicant, and an interim order was granted to him on 31.08.2017. However, the aforesaid case was dismissed for non-prosecution on 22.05.2019, and a Criminal Misc. Recall Application No. 3 of 2019 was filed, which was also dismissed by a Coordinate Bench of this Court vide order dated 14.10.2025.

3. After the dismissal of the aforesaid application under Section 482 Cr.P.C., an application was moved by the applicant before the learned trial court, alleging therein that sanction for prosecution of the applicant was necessary in terms of Section 197 Cr.P.C., and that the court cannot take cognizance unless the sanction order is obtained by the authorities. The case in the trial court has been fixed for arguments, and the plea of sanction and issue of cognizance, as provided under Section 197 Cr.P.C., was raised at a belated stage. The charge-sheet was submitted in this case in the year 2008, and the learned court concerned took cognizance of the offence on 22.07.2008.

4. It is not clear, on perusal of the paragraphs of the affidavit filed in support of the present application under Section 528 BNSS, as to whether the plea of sanction was raised by the applicant in the aforesaid Application U/S 482 No. 28416 of 2017.

5. It is expected by this Court that one should come with candid facts. Suppression or concealment of material facts is forbidden to a litigant, or even as a technique of advocacy. No litigant can play hide and seek with the Courts or adopt pick and choose. If the applicant does not disclose full facts or suppresses relevant materials or is otherwise guilty of misleading the Court, the Court may dismiss the action without adjudicating the matter. The very basis of the jurisdiction rests on the disclosure of true, complete, and correct facts. If the material facts are not candidly stated or are suppressed or are distorted, the very function of the Courts would become impossible. This Court cannot adjudicate the matter without coming to know whether the plea raised herein has already been raised in the earlier application under Section 482 Cr.P.C. Therefore, the learned counsel will address this Court regarding maintainability of the present application.

6. Therefore, in view of the above, the present matter be listed as fresh on 4th May 2026 before the appropriate Bench along with the aforesaid Application U/S 482 No. 28416 of 2017.

(Vivek Kumar Singh,J.)

April 28, 2026

Radhika