



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 2283 of 2026

Virendra Kumar Gupta And Another

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Santosh Kumar Pandey, Satya Prakash
Tiwari

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

Court No. - 74

HON'BLE SANJAY KUMAR PACHORI, J.

Heard Shri Santosh Kumar Pandey, learned counsel for the applicants and Sri Alok Mishra, learned A.G.A. for the State.

The present application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita has been filed to quash the entire proceedings of Criminal Case No. 2705 of 2024, arising out of Case Crime No. 108 of 2023, under Sections 406, 420, 504, 506 of I.P.C., Police Station- Roja, District- Shahjahanpur, as well as cognizance/ summoning order dated 20.05.2024 pending in the Court of Additional Chief Judicial Magistrate, Court No. 1, Shahjahanpur.

Learned counsel for the applicants submits that the first information report dated 04.02.2023 has been lodged on the basis of false and frivolous allegations with ulterior motive and only to harass the present applicants. It is further submitted that as per allegations of the F.I.R, there is a commercial dispute between the two firms. The first informant is unpaid seller. The first informant instead of filing a suit for recovery of money/ complaint under Section 138 of N.I. Act, impugned F.I.R. has been lodged.

It is further submitted that the first informant converted a civil dispute into a criminal case. It is further submitted that the cognizance order has been passed without considering the essential ingredients of the offence as well as without applying judicial mind punishable under Section 406, 420 of I.P.C. for the same set of the act respectively. In support of his submission, learned counsel for the applicant relied upon a judgment of Apex Court in **Delhi**

**Race Club (1940) Ltd. & Ors. Vs. State of Uttar Pradesh & Anr. 2024
SCC OnLine SC 2248.**

Prima facie, matter requires consideration.

Notice on behalf of opposite party no. 1 has been accepted by learned A.G.A.

Issue notice to opposite party no. 2 returnable at an early date.

Learned A.G.A. as well as learned counsel for the opposite party no. 2 may file counter affidavit within two weeks. Rejoinder affidavit may be filed within one week thereafter.

List after eight weeks.

Until further orders of this Court, further proceedings of the aforesaid case, shall remain stayed against the applicants.

February 20, 2026
Ishan

(Sanjay Kumar Pachori,J.)