



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 2687 of 2026

Vicky Saini

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Sheikh Sultan Momin
Counsel for Opposite Party(s)	:	G.A.

Court No. - 78

HON'BLE AVNISH SAXENA, J.

1. Shri Sheikh Sultan Momin, learned counsel for applicant appeared and submits that accused applicant has been falsely implicated in the case by the father of the victim belatedly on 09.05.2024 for the incident of 26.03.2024. The FIR has been lodged against six persons including the accused applicant, who are family members of the accused. The allegation in the FIR is that on 26.03.2024 the victim was in her home along with her brother and sister. The accused entered into the house and dragged the victim to the roof of the house where he has committed rape on her. The victim had consumed poison and was initially treated at the hospital but the father and brother of victim, got her discharged from the hospital, which is reflected from the statement of Dr. Sajid Khan in the case diary wherein the victim was admitted to the hospital on 27.03.2024 and thereafter she was discharged in the evening. He submits that the victim has committed suicide and she passed away after one month of the incident as is reflected from the postmortem examination. The viscera was preserved and sent to Forensic Science Laboratory where the poison Organophosphorus insecticide is found in the viscera. He submits that the medical examination of the victim was not carried out after the alleged incident. On query about the statement of witnesses Vicky and Seema, who are brother and sister of deceased. Learned counsel submits that their statement is not filed along with application. He further submits that charge has already been framed in the case. He seeks interference.

2. Learned A.G.A. for State seeks time to file counter affidavit.

3. Issue notice to opposite party no. 2 returnable at an early date.
4. List on 27.02.2026 as fresh.
5. In the meantime, parties may exchange affidavits.

(Avnish Saxena,J.)

January 27, 2026

Sharad/-