



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 2278 of 2026

Waseem Ahmed

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Mohd. Aslam Khan, Mohd. Mateen
Khan

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

Court No. - 74

HON'BLE SANJAY KUMAR PACHORI, J.

Heard Shri Mohd. Aslam Khan, learned counsel for the applicant, Sri B.N. Upadhyay, learned Brief Holder for the State.

The present application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita has been filed to quash the entire proceedings of Case No. 159 of 2018, arising out of Case Crime No. 560 of 2017, under Section 341 of I.P.C., Police Station- Kotwali City, District- Bijnor, as well as cognizance/ summoning order dated 04.04.2024, pending in the Court of Chief Judicial Magistrate, Bijnor.

Learned counsel for the applicant submit that the first information report dated 23.06.2017 with regard to incident dated 23.06.2017 has been lodged on the basis of false and frivolous allegations with ulterior motive and only to harass the present applicant. It is further submitted that charge-sheet has not been submitted under Section 188 of IPC, in which F.I.R. was also lodged. It is next submitted that the offence punishable under Section 341 of I.P.C. has been added during investigation. The F.I.R. has been lodged by the S.H.O. of local police station. It is further submitted that there is no pre summoning evidence with regard to the offence as alleged against the applicant.

Prima facie, matter requires consideration.

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

Issue notice to respondent no. 2 through C.J.M. concerned, returnable at an early date.

Learned A.G.A. as well as respondent no. 2 may file their counter affidavits within three weeks.

Rejoinder affidavit may thereafter be filed within one week.

List this case after eight weeks.

Until further orders, further proceedings of aforesaid case shall remain stayed against the applicant.

February 20, 2026
Vikram

(Sanjay Kumar Pachori,J.)