



**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**APPLICATION U/S 528 BNSS No. - 2796 of 2026**

Firoj Khan

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite  
Party(s)

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Counsel for Applicant(s) : Deepak Singh, Jitendra Singh

Counsel for Opposite Party(s) : Abdul Mazeed, G.A., Syed Ali Ansar

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**Court No. - 78**

**HON'BLE TARUN SAXENA, J.**

Heard learned counsel for the applicant, Sri Abdul Mazeed, learned counsel for the opposite party no. 2 and the learned A.G.A. for the State.

The present 528 BNSS application has been filed to quash the impugned charge sheet dated 24.04.2024 as well as cognizance order dated 09.04.2025 and entire proceedings of Special Session Trial No. 489 of 2025 (State Vs. Firoz Khan and Others), arising out of Case Crime No. 088 of 2024, under Section 363, 366, 376, 341 I.P.C. and Section 3/4 of POCSO Act, Police Station Nyoriya, District Pilibhit, pending in the Court of Special Judge (POCSO Act), Pilibhit.

Learned counsel for the applicant submits that this is a case of lover affair between the applicant and the daughter of opposite party no. 2. He further submits that at the time of alleged offence the applicant and the victim were major and it is a case of consensual relationship between the parties. He further submits that earlier the applicant filed a writ petition being Criminal Misc. Writ Petition No. 4671 of 2024 before this Court and arrest of the applicant was stayed till submission of charge sheet by the Writ Court vide its order dated 04.04.2024 annexed as annexure no. 12 to this application. Learned counsel for the applicant, therefore, submits that the present criminal proceedings initiated against the applicant is not only malicious

but also amounts to an abuse of the process of the Court. On the cumulative strength of the aforesaid submissions, it is submitted by learned counsel for the applicant that the proceedings of the above mentioned case are liable to be quashed by this Court.

Learned counsel for the opposite party no. 2 as well as learned A.G.A. for the State submits that the victim at the time of occurrence was minor and her age was approximately 14 years. During the course of investigation incriminating evidence has been collected against the applicant.

In view of the above, matter requires consideration.

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

List this case on 25.03.2026 as fresh.

Till the next date of listing, no coercive action shall be taken against the applicant in the aforesaid special session trial.

**(Tarun Saxena,J.)**

**February 19, 2026**

SK Srivastava