



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 2866 of 2026

Praveen Shankar Rai

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Shagun K. Saran, Vinayak Ranjan
Counsel for Opposite Party(s) : G.A.

Court No. - 74

HON'BLE SANJAY KUMAR PACHORI, J.

Heard Shri Vinayak Ranjan, learned counsel for the applicant and Sri Karunakar Singh, learned A.G.A. for the State.

The present application under Section 528 of Bharatiya Nagarik Suraksha Sanhita, has been filed to quash the entire proceedings of Criminal Case No. 5046 of 2023 arising out of Case Crime No. 75 of 2022, under Sections 419, 420, 467, 468, 471, 409, 120-B of I.P.C., Police Station-Myorpur, District Sonbhadra, as well as cognizance/summoning order dated 24.07.2023 pending in the court of Chief Judicial Magistrate, Sonbhadra.

Learned counsel for the applicant submits that the first information report dated 25.7.2022 has been lodged against six vehicle owners by the present applicant. It is further submitted that the name of the applicant is surfaced during the investigation for hatching conspiracy to commit the offence as alleged. The impugned F.I.R. has been lodged after retire from his service as superannuation applicant. As per allegations of the F.I.R., the vehicle have been released on the basis of forged and fabricated documents in favour of the owners of the vehicle.

It is further submitted that the applicant was A.R.T.O. It is further submitted that there is no pre-summoning evidence with regard to offence as alleged against the applicant. It is further submitted that a departmental enquiry has also been initiated after superannuation of the applicant without any sanction of Governor under Article 351-A of the Civil

Service Regulations and in this regard Co-ordinate Bench of this Court in Writ-A No.7987 of 2024, proceeding has been stayed on 2.7.2024.

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 applicant.

(Sanjay Kumar Pachori,J.)

February 17, 2026

Kamarjahan