



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 2426 of 2026

Abhishek Singh Alias Shivansh Singh

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Anurag Yadav, Sury Pratap Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 76

HON'BLE SANJAY KUMAR PACHORI, J.

Heard Shri Anurag Yadav, learned counsel for the applicant and Shri B.N. Upadhyay, learned brief holder for the State.

The present application under Section 528 of Bhartiya Nagrik Suraksha Sanhita, 2023 has been filed by the applicant to quash the entire proceedings of Special Case No. 18 of 2024, arising out of case crime No. 105 of 2023, under Section 3(1) of U.P. Gangsters and Anti-Social Activities (Prevention) Act, Police Station- Mehnajpur, District Azamgarh as well as cognizance/summoning order dated 16.2.2024, pending in the court of Special Judge (Gangsters Act)/Additional Sessions Judge, Court No. 6, Azamgarh.

Learned counsel for the applicant submits that the first information report dated 20.5.2023 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 Gangsters Act has been imposed against the applicant on the basis of two criminal cases as case crime No. 23 of 2023, under Sections 395, 412, I.P.C. and Section 3/25 of Arms Act and case crime No. 13 of 2023, under Sections 395, 412, I.P.C. It is further submitted that in both the cases, name of the applicant surfaced on the basis of confessional statement of co-accused Vipin Yadav before the police, which is irrelevant. It is further submitted that charge sheet has been submitted against the Rule 26 of the U.P. Gangsters and Anti-Social Activities (Prevention) Rules 2021.

Prima facie, matter requires consideration.

Learned A.G.A. has accepted notice on behalf of opposite party No. 1.

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

Learned A.G.A. as well as opposite party no. 2 may file their counter affidavits within three 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.

April 16, 2026
T. Sinha

(Sanjay Kumar Pachori,J.)