



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 2873 of 2026

Anil

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)

: Ayush Kaushik

Counsel for Opposite Party(s)

: G.A.

Court No. - 81

HON'BLE VIVEK KUMAR SINGH, J.

1. Heard Shri Ayush Kaushik, learned counsel for the applicant and Shri Prashant Kumar, learned A.G.A. for the State respondents.

2. Present application under Section 528 B.N.S.S. has been preferred for quashing the entire proceeding of Criminal Case No. 5905 of 2018 (State vs. Anil and Others) arising out of Case Crime No.0103 of 2018, under Section 420, 290 IPC and Section 14 Sarai Act, Police Station Pallavpuram, District Meerut, pending in the court of Additional Chief Judicial Magistrate, Court no.2, Meerut as well as impugned Chargesheet 11.06.2018 and cognizance order dated 03.10.2018 issued in the abovementioned proceedings.

3. It is submitted by learned counsel for the applicant that the applicant was not arrested on spot and being the owner of the Hotel A-Star, he was implicated in the present case by the police. It is admitted case in the FIR that the hotel was being run by co-accused Nikhil and the same was given on rent by the applicant to co-accused Nikhil. The applicant has no concern with the alleged offence, if any. It is also submitted that no *prima facie* offence is made out against the applicant. Nobody has been cheated by the applicant.

4. Per contra, learned AGA opposed the prayer and stated that the applicant was also involved in the alleged offence.

5. The matter requires consideration.

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

7. The opposite parties may file their counter affidavit within six weeks.

8. Rejoinder affidavit, if any, may thereafter be filed within two weeks.

9. List thereafter.

10. Till the next date of listing, further proceedings of the aforesaid case shall remain stayed against the applicant.

(Vivek Kumar Singh,J.)

February 10, 2026
Nitendra