



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 3812 of 2026

Arvind Chaudhary

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Akhilesh Kumar Mishra, Anshu Dubey
Counsel for Opposite Party(s)	:	G.A.

Court No. - 74

HON'BLE SANJAY KUMAR PACHORI, J.

Heard Shri Akhilesh Kumar Mishra, learned counsel for the applicant and Sri Manoj Kumar Singh, learned A.G.A. for the State.

The present application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita has been filed to quash the entire proceedings of Criminal Case No. 446 of 2025, arising out of Case Crime No. 44 of 2025, under Sections 137(2), 87 of B.N.S., Police Station- Munderwa, District- Basti, as well as cognizance/ summoning order dated 09.10.2025 pending in the Court of Additional Civil Judge (Senior Division) Court No. 2/ Additional Chief Judicial Magistrate, Basti.

Learned counsel for the applicant submit that the first information report dated 04.03.2025 with regard to incident dated 01.03.2025, which has been lodged by father of the victim on the basis of false and frivolous allegations with ulterior motive and only to harass the present applicant. It is further submitted that as per pre-summoning evidence including the statement of the victim recorded by the learned Magistrate before submitting the charge-sheet, there is no allegations to constitute the essential ingredients of the offence as alleged against the applicant.

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.

February 13, 2026

Ishan

(Sanjay Kumar Pachori,J.)