



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 4976 of 2026

Subhash

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Surendra Nath Tripathi
Counsel for Opposite Party(s)	:	G.A.

Court No. - 74

HON'BLE SANJAY KUMAR PACHORI, J.

Sri Surendra Nath Tripathi, learned counsel for the applicant and Sri Abhishek Kumar, learned A.G.A. for the State are present.

The present application under Section 528 of Bharatiya Nagarik Suraksha Sanhita has been filed to quash the entire proceedings of Criminal Case, arising out of Case Crime No. 685 of 2020, under Sections 379, 420 IPC, P.S.- Loni Border, District- Ghaziabad as well as cognizance/ summoning order dated 24.01.2022, pending in the court of Civil Judge (S.D.)/F.T.C, Ghaziabad.

Learned counsel for the applicant submitted that impugned FIR dated 11.08.2020 has been lodged by the Junior Engineer of U.P.P.C.L. with regard to the incident, which took place in the month of June/July, 2019, on the basis of false and frivolous allegations with ulterior motive and only to harass the present applicant. The present applicant was appointed as private labour in the year 2020. There is no pre summoning evidence with regard to 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 private opposite party no. 2 through C.J.M. concerned, returnable at an early date.

Learned A.G.A. as well as private opposite party no. 2 may file a counter affidavit within three weeks.

Rejoinder affidavit may thereafter be filed within one week.

List this case after eight weeks.

Until further orders, further proceedings of aforesaid case shall remain stayed against the applicant.

February 19, 2026

MAA/-

(Sanjay Kumar Pachori,J.)