



**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**APPLICATION U/S 528 BNSS No. - 4561 of 2026**

Bhupendra And 2 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite  
Party(s)

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Counsel for Applicant(s) : Ashok Kumar Singh Bais  
Counsel for Opposite Party(s) : G.A.

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**Court No. - 76**

**HON'BLE SANJAY KUMAR PACHORI, J.**

Supplementary affidavit filed today is taken on record.

Sri Ashok Kumar Singh Bais, learned counsel for the applicants and Sri B.N. Upadhyay, learned brief holder 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 No. 935 of 2020, arising out of Case Crime No. 35 of 2020, under Section 120B of IPC against applicant nos. 1 and 2 and under Sections 379, 411 of IPC and Section 2/3 of Prevention of Damages to Public Property Act, 1984 against applicant no. 3, P.S. Biharigarh, District Saharanpur as well as cognizance/ summoning order dated 19.10.2020, pending in the court of Additional Chief Judicial Magistrate, Court No. 2, Saharanpur.

Learned counsel for the applicants submitted that impugned FIR dated 04.02.2020 has been lodged on the basis of false and frivolous allegations with ulterior motive and only to harass the present applicants. It is further submitted that as per allegations of FIR, offence of hatching conspiracy has been assigned to applicant nos. 1 and 2. There is no pre summoning evidence for the alleged offence against the applicants. It is further submitted that as per allegations of FIR, all the allegations are related to Motor Vehicles Act and there is no pre summoning evidence with regard to the offence as alleged against the applicants.

*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 applicants.

**April 10, 2026**

MAA/-

**(Sanjay Kumar Pachori,J.)**