



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 5006 of 2026

Shailendra And Another

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Alok Kumar Dubey, Saumitra Dwivedi
Counsel for Opposite Party(s) : G.A.

Court No. - 74

HON'BLE SANJAY KUMAR PACHORI, J.

Sri Saumitra Dwivedi, 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. 7686 of 2024, arising out of Case Crime No. 140 of 2022, under Sections 354, 323, 504, 506 of I.P.C., (against the applicant no. 1) & under Sections 323, 504, 506 of IPC, (against the applicant no. 2), Police Station Phase-3, District Gautam Budh Nagar, as well as cognizance/summoning order dated 06.02.2024, pending in the court of Additional Chief Judicial Magistrate, Court No. 1, Gautam Budh Nagar.

Learned counsel for the applicants submitted that impugned F.I.R. dated 22.03.2022 has been lodged with regard to the incident dated 22.02.2022 on the basis of false and frivolous allegation with ulterior motive only to harass the present applicants. The impugned F.I.R. has been lodged after one month and as per medical examination report of dated 21.05.2022 complaint of pain was found. It is further submitted that there is a dispute with regard to the payment of wages between the parties.

Prima facie, matter requires consideration.

Notice on behalf of private 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 their 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.

February 20, 2026

Vikram

(Sanjay Kumar Pachori,J.)