



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 4905 of 2026

Gauri Shankar @ Gauri Shanker And Another

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Brij Raj Singh, Dharmendra Prasad
Counsel for Opposite Party(s)	:	G.A.

Court No. - 74

HON'BLE SANJAY KUMAR PACHORI, J.

Heard Shri Brij Raj Singh, learned counsel for the applicants and Sri Alok Kumar Mishra, 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. 71204 of 2025, arising out of Case Crime No. 272 of 2025, under Sections 317(2) of B.N.S., Police Station- Khajani, District- Gorakhpur, as well as cognizance/ summoning order dated 06.11.2025 pending in the Court of Judicial Magistrate, Court No. 3, Gorakhpur.

Learned counsel for the applicants submits that the first information report dated 23.07.2025 has been lodged on the basis of false and frivolous allegations with ulterior motive and only to harass the present applicants. However, impugned F.I.R. has been lodged against unknown persons. It is further submitted that except the confessional statement of co-accused persons Sonu, Chand Ali, Afroz, Bheem, Parvej and Sohail, who were arrested on 10.09.2025 (which is irrelevant), there is no other pre-summoning evidence against the applicants with regard to alleged offence.

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 applicants.

February 12, 2026

Ishan

(Sanjay Kumar Pachori,J.)