



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 5481 of 2026

Vishal Singh

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Anand Pati Tiwari, Gyan Dev Tiwari
Counsel for Opposite Party(s) : G.A.

Court No. - 74

HON'BLE SANJAY KUMAR PACHORI, J.

Heard Shri Anand Pati Tiwari, learned counsel for the applicant and Sri Karunakar 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. 17436 of 2025, arising out of Case Crime No. 773 of 2023, under Section 420 of I.P.C., Police Station- Auraiya, District- Auraiya, as well as cognizance/ summoning order dated 18.09.2025 pending in the Court of Chief Judicial Magistrate, Auraiya.

Learned counsel for the applicant submit that the first information report dated 19.08.2023 has been lodged 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 allegations of the F.I.R., the opposite party no. 2 had booked a seat online on a bus traveling from Auraiya to Sirsa; however, he boarded a different bus instead booked bus. There is no pre-summoning evidence with regard to offence as alleged against the applicant. The first informant instead of filing a complaint before District Consumer Forum, the impugned F.I.R. has been lodged.

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.

March 17, 2026

Ishan

(Sanjay Kumar Pachori,J.)