

**Court No. - 71**

**Case :-** APPLICATION U/S 528 BNSS No. - 5131 of 2025

**Applicant :-** Firoz Badar And Another

**Opposite Party :-** State of U.P. and Another

**Counsel for Applicant :-** Imran Ullah, Vineet Vikram

**Counsel for Opposite Party :-** G.A.

**Hon'ble Raj Beer Singh, J.**

1. Heard learned counsel for the applicants and learned AGA for the State.

2. It is submitted by learned counsel for the applicants that at the relevant time, the applicants were working in Police and that the opposite party no.2 has lodged First Information Report against applicants making false and baseless allegations. After investigation, police have submitted final report in favour of applicants. The opposite party no.2 has preferred a protest petition, which was registered as a complaint case vide order dated 27.11.2008. Thereafter, matter was kept pending for long and applicants were summoned vide summoning order dated 07.09.2024. The opposite party no.2/ Complainant has, inter alia, made allegations that his father was intercepted S.O.G. police team, comprising the applicants, and he was subjected to torture and he was falsely implicated in a case by showing a false recovery of 25 gram smack. The father of opposite party no.2/ Complainant has long criminal history of 17 cases. No sanction as required under Section 197 CrPC was obtained. Referring to facts of the matter, it was submitted that impugned proceedings are abuse of process of the Court and thus, liable to be set aside.

3. Matter requires consideration.

4. Issue notice to the opposite party no.2, returnable at an early

date.

5. Opposite party no.2 may file counter affidavit within four weeks.

6. List this case on 11.09.2025.

7. Till the next date of listing, no coercive action shall be taken against the applicants in Special Session Trial No. 474 of 2024 (State v. Nagesh Kumar Upadhyay and others), under Sections 323/149, 392/149, 394/149, 395/149 IPC, pending in the court of Special Judge, Dacoity Affected Areas/ Additional Sessions Judge-III, Farrukhabad.

**Order Date :-** 13.5.2025  
Rama Kant