



**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**APPLICATION U/S 528 BNSS No. - 5820 of 2025**

Mohd Arif

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite  
Party(s)

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Counsel for Applicant(s) : Harish Chandra, Irshad Ahmad, Shahid Kazmi, Sudhir Kumar Malviya, Syed Fahim Ahmed, Syed Faiz Hasnain, Syed Riyaz Askari

Counsel for Opposite Party(s) : G.A., Kamesh Kumar Arya, Suresh Singh

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**Court No. - 80**

**HON'BLE VIVEK KUMAR SINGH, J.**

1. Counter affidavit and rejoinder affidavit filed today are taken on record.
2. Apart from rejoinder affidavit, the learned counsel for the applicant has filed supplementary affidavit, which is also taken on record.
3. Heard Sri Harish Chandra Dwivedi and Sri Syed Faiz Hasnain, along with Sri Irshad Ahmad, learned counsel for the applicant, Sri Kamesh Kumar Arya, learned counsel for opposite party no.2 and learned A.G.A. for the State- opposite party no.1.
4. Present application under Section 528 B.N.S.S. has been preferred for quashing the summoning order dated 4.1.2025 passed by the Additional Sessions Judge/ Special Judge (POCSO Act), Bijnor in F.R. Case No.1243 of 2024 (State Vs. Tarun and others), pending before the Additional Sessions Judge/Special Judge (POCSO Act), Bijnor, arising out of Case Crime No.119 of 2024, under sections 376-D,A, 452, 506 of I.P.C. and section 5G/6 of the Protection of Children from Sexual Offences Act, 2012, Police Station Noorpur, District Bijnor as well as the entire proceedings of the aforesaid case.
5. It was submitted by the learned counsel for the applicant that the present FIR was lodged on 08.04.2024 on the direction of the learned Magistrate

passed under Section 156(3) of Cr.P.C. The final report in the present matter was submitted on 27.04.2024, while the protest petition was filed on 21.10.2024. The applicant was summoned to face the criminal trial by the learned court concerned vide order dated 04.01.2025. It is submitted that the delay of 11 months in lodging the FIR has not been properly explained by the prosecution. It is further submitted that the applicant has been falsely implicated in the present case, as he had earlier lodged an FIR against the opposite party no. 2 on 01.04.2023, in which the Investigating Officer submitted a charge-sheet and the accused/opposite party no. 2 was granted bail on 02.01.2025.

6. Per contra, the learned counsel for opposite party No. 2 submitted that the victim in the present matter was subjected to rape, and that the Investigating Officer acted in collusion with the applicant while submitting the final report. It is further submitted that there was no illegality or irregularity in the summoning order, and that the learned trial court passed a detailed and well-reasoned order dated 04.01.2025.

7. The matter requires consideration.

8. Learned counsel for the opposite party no.2 may file supplementary counter affidavit in the present case by the next date of listing.

9. Put up this case in the additional cause list on 16.04.2026.

10. Till the next date of listing, the effect and operation of impugned summoning order dated 04.01.2024 passed by the Additional Sessions Judge/ Special Judge (POCSO Act), Bijnor, shall remain stayed insofar as it pertains to the applicant only.

**(Vivek Kumar Singh,J.)**

**March 23, 2026**

Radhika