



**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**APPLICATION U/S 528 BNSS No. - 5351 of 2026**

Satendra Kumar @ Sk Saron

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite  
Party(s)

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Counsel for Applicant(s) : Sunil Kumar Tiwari  
Counsel for Opposite Party(s) : G.A.

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**Court No. - 74**

**HON'BLE SANJAY KUMAR PACHORI, J.**

Heard Shri Sunil Kumar Tiwari, learned counsel for the applicant and Sri Madhvendra Pratap 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. 1619 of 2023, arising out of Case Crime No. 643 of 2022, under Sections 420, 406 of I.P.C., Police Station- Sihani Gate, District- Ghaziabad, as well as cognizance/ summoning order dated Ghaziabad pending in the Court of Additional Chief Judicial Magistrate, Court No. 3, Ghaziabad.

Learned counsel for the applicant submit that the first information report dated 02.10.2022 with regard to incident (no date is mentioned) 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 the impugned F.I.R. has been lodged on the basis of an application under Section 156(3) of Cr.P.C. It is further submitted that as per allegations of the F.I.R., all the allegations are related to business transactions.

It is further submitted that first informant converted a civil dispute into a criminal case. It is further submitted that the cognizance order has been passed without applying judicial mind as well as without considering the essential ingredients of the offence punishable under Section 406, 420 of I.P.C. for the same set of the act respectively. In support of his submission, learned counsel for the applicant relied upon a judgment of Apex Court in Delhi Race Club (1940) Ltd. & Ors. Vs. State of Uttar Pradesh & Anr. 2024

SCC OnLine SC 2248.

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.

Connect with Application U/S 528 of BNSS No. 43607 of 2025 and list after eight weeks.

Until further orders of this Court, further proceedings of the aforesaid case, shall remain stayed against the applicant.

**February 17, 2026**

MAA/-

**(Sanjay Kumar Pachori,J.)**