



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 5839 of 2026

Bajrangi

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Bholeshwar, Naveen Chandra
Gupta
Counsel for Opposite Party(s) : G.A.

Court No. - 76

HON'BLE NAND PRABHA SHUKLA, J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.
2. The present application under Section 528 BNSS has been filed with the prayer to allow this application and quash the impugned Summoning order dated 16.10.2025 passed by Additional Civil Judge (Senior Division) II/A.C.J.M.-Gorakhpur in Complaint Case No. 21590 of 2024 (Ram Bachan Pandey Versus Bajrangi) under Sections 323, 506, 379, 420 IPC, Police Station-Chiluwatal, District-Gorakhpur, which is pending in the aforesaid Court.
3. It has been submitted by learned counsel for the applicant that the applicant had purchased the Tractor and its accessories for Rs. 6,00,000/- and the balance amount of Rs. 2,05,000/- was due to be paid. It has also been submitted that no offence under Section 379 IPC has been committed. It has further been submitted that the opposite party No. 2 can seek civil remedy by filing a suit for the recovery of the balance amount.
4. Matter requires consideration.
5. Issue notice to opposite party No. 2, returnable at an early date.
6. Opposite party No. 2 may file counter affidavit within four weeks. Rejoinder affidavit may be filed within two weeks thereafter.

7. List this case on 20.04.2026 in the daily cause list.

8. Until further orders, the proceedings in Complaint Case No. 21590 of 2024 (Ram Bachan Pandey Versus Bajrangi) under Sections 323, 506, 379, 420 IPC, Police Station-Chiluwatal, District-Gorakhpur shall remain in abeyance.

February 18, 2026
Shivani

(Nand Prabha Shukla,J.)