

Court No. - 52

Case :- APPLICATION U/S 528 BNSS No. - 5584 of 2025

Applicant :- Avnish Sharma Alias Avnesh Sharma And 6 Others

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

Counsel for Applicant :- Pushpendra Kumar,Ramdhan

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Manju Rani Chauhan,J.

Heard learned counsel for the applicants, learned A.G.A. for the State and perused the record.

This application U/S 528 BNSS has been filed by the applicant with the prayer to quash the entire proceedings including bailable warrant dated 05.03.2024 passed in Complaint Case No.1207 of 2023 (Smt. Reshma Devi Vs. Avnish Sharma and others), under Section 406 I.P.C., Police Station Sikandrara, District Hathras, pending in the court of Judicial Magistrate, Sikandrara, Hathras.

Learned counsel for the applicants submits that earlier on 04.08.2022 an F.I.R. was lodged by applicant no.2 against husband of opposite party no.2 and others. He further submits that opposite party No.2 has initiated present criminal proceedings against applicants as a counter blast to the criminal proceedings initiated by applicant no.2. Lastly, he submits that in such circumstances, no prosecution could lie against the applicants.

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.

Opposite party no.2 may file her counter affidavits within four weeks. Rejoinder affidavit, if any, may be filed within two weeks thereafter.

List thereafter.

Till the next date of listing, no coercive action shall be taken against the applicant in the aforesaid case.

Order Date :- 14.5.2025

Abhishek Singh