



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 5293 of 2026

Mithun Agrahari

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Ankita Jaiswal, Kashish Farooqui,
Prashant Srivastava, Shri Ram (Rawat)
Counsel for Opposite Party(s) : G.A.

Court No. - 77

HON'BLE PRAVEEN KUMAR GIRI, J.

1. Heard Ms. Kashish Farooqui and Ankita Jaiswal, learned counsel for the applicant and Mr. Mayank Awasthi, learned State Law Officer for the State.
2. Learned counsel for the applicant submits that he has filed the instant application under Section 528 BNSS with the relief which has been mentioned in the prayer clause of the application.
3. The relief which has been mentioned in the application is delineated below:-

"It is therefore, most respectfully prayed that this Hon'ble court may graciously be pleased to quash the Summoning order dated 29.06.2021 passed by Learned Special Judge (SC/ST Act), Allahabad in ST no 300/2021 [Mithun Agrahari Versus State of U.P. and Another] under section 323, 504, 506, 354Ka IPC and 3(2) (Va) S.C.S.T. Act relating to Police Station Kotwali Distt. Prayagraj.

It is further prayed that this Hon'ble court may also be pleased to stay the further proceedings of Special Trail no 300/2021 [Mithun Agrahari Versus State of U.P. and Another] till further orders of this Hon'ble court under section 323, 504, 506, 354Ka IPC and 3(2) (Va) S.C/S.T. Act pending in the court of Learned Special Judge (SC/ST Act) Court, Allahabad relating to Police Station Kotwali Distt. Prayagraj."

4. Learned counsel for the applicant submits that opposite party No.2, Smt. Mala Sonkar W/o Bablu Sonker R/O 48/45, Sharara Bagh, Police Station Kotwali, District Prayagraj, is the daughter of Smt. Rammani. She further submits that after the death of Santosh, Rammani's first husband and father of opposite party No.2, Rammani married again with Ram Babu Agrahari and the applicant-accused, Mithun Agrahari, is the issue of the said wedlock.

5. Learned counsel for the applicant submits that opposite party No.2 is the step-sister of the applicant, Mithun Agrahari, as the mother of both the persons is the same. She further submits that merely to grab the property, the present F.I.R. has been lodged on concocted facts and in support of the her argument, she relied upon the civil case pending before the Small Causes Court, Prayagraj.

6. Issue notice to opposite party No.2 for filing counter affidavit within a period of 10 days, as it pertains to a local matter.

7. Learned State Law Officer, Shri Mayank Awasthi, as well as the Chief Judicial Magistrate, Prayagraj is directed to communicate this order to opposite party No.2 through the concerned police station.

8. List this case on **20.02.2026 as fresh.**

(Praveen Kumar Giri,J.)

February 9, 2026

K.Tiwari