



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 6036 of 2026

Rachit Pathak And Another

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Padmaker Pandey, Rakesh Kumar Shukla

Counsel for Opposite Party(s) : G.A.

Court No. - 74

HON'BLE SANJAY KUMAR PACHORI, J.

Heard Shri V.P. Srivastava, learned Senior Counsel assisted by Sri Padmaker Pandey, learned counsel for the applicants and Sri A.K. Rai, 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 Case No. 137856 of 2025, arising out of Case Crime No. 1061 of 2022, under Sections 147, 148, 427, 448, 452, 386, 323, 504, 506, 120-B & 34 of I.P.C., Police Station- Chakeri, District- Kanpur Nagar, as well as cognizance/ summoning order dated 04.11.2025 pending in the Court of C.J.M. Kanpur Nagar.

Learned Senior Counsel for the applicants submitted that the first information report dated 12.12.2022 with regard to the incident dated 16.08.2021 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 there is no medical examination report to substantiate the allegations of F.I.R. As per allegations of the F.I.R., there is a civil dispute with regard to the demarcation of Khasra Nos. 1532 & 1523. The present applicants have executed a registered agreement to sell in favour of other co-accused persons. The first informant instead of filing of a suit for injunction has lodged the impugned F.I.R. All the allegations are related to purely civil dispute. The first informant has converted a civil dispute into a criminal case.

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.

List after eight weeks.

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

(Sanjay Kumar Pachori,J.)

February 19, 2026

Vibha Singh