



**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**APPLICATION U/S 528 BNSS No. - 6068 of 2026**

Gyanesh Chaturvedi

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite  
Party(s)

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|-------------------------------|---|----------------|
| Counsel for Applicant(s)      | : | Himanshu Singh |
| Counsel for Opposite Party(s) | : | G.A.           |

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**Court No. - 74**

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

Sri Himanshu Singh, learned counsel for the applicant and Sri Karunakar Singh, learned A.G.A. for the State are present.

The present application under Section 528 of Bharatiya Nagarik Suraksha Sanhita has been filed to quash the entire proceedings of Criminal Case No. 7478/IX of 2019, arising out of Case Crime No. 618 of 2019, under Sections 354, 504, 506, I.P.C, P. S. Kotwali, District Mathura as well as cognizance/ summoning order dated 23.11.2019, pending in the court of Additional Chief Judicial Magistrate, Court No. 1, Mathura.

Delay in filing the present applicant has been explained.

Learned counsel for the applicant submitted that impugned FIR dated 19.08.2019 has been lodged with regard to the incident dated 02.07.2019 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 FIR. It is further submitted that a civil suit being Original Suit No. 349 of 2018 [Parmeshwar Datta (father-in-law of first informant) vs. Gyanesh and another) for a decree of permanent prohibitory injunction is pending between the parties. There is no pre summoning evidence with regard to the offence as alleged against the applicant. First informant 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 private opposite party no. 2 through C.J.M. concerned, returnable at an early date.

Learned A.G.A. as well as private opposite party no. 2 may file a counter affidavit within three weeks.

Rejoinder affidavit may thereafter be filed within one week.

List this case after eight weeks.

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

**February 12, 2026**

MAA/-

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