



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 6056 of 2026

Shivpoojan

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Saroj Kumar Dubey, Vineet Kumar
Yadav

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

Court No. - 81

HON'BLE VIVEK KUMAR SINGH, J.

1. Heard learned counsel for the applicant and learned AGA appearing for the State respondents.

2. Present application under Section 528 B.N.S.S. has been preferred for quashing the entire proceeding of Case No.3108310 of 2025, arising out of chargesheet dated 03.10.2024 submitted in Case Crime No. 336 of 2024, under Sections 3, 2, 5 of U.P. Prevention of Damages to Public Property Act, P.S. Devgaon, District Azamgarh as well as cognizance and summoning order dated 06.09.2025 issued by the Additional Chief Judicial Magistrate, Court No.10 District Azamgarh in the abovementioned proceeding pending before the Additional Chief Judicial Magistrate, Court No.10 District Azamgarh

3. It is contended by learned counsel for the applicant that plot no.452, area 0.016 hectare, Village Chewar, Paidaha, Tehsil Lalganj, District Azamgarh was not encroached by the appellant rather it was exchanged 35 years ago. It is further submitted that applicant has not illegal encroached any land of Gram Sabha, which is clear from perusal of reports dated 31.08.2024 and 30.08.2024 passed by the revenue authorities. It is further submitted that no *prima facie* offence as alleged in the FIR is made out even though the Investigating officer submitted chargesheet in the present case.

4. *Per contra*, learned A.G.A. opposed the prayer and stated that the

Government land has been encroached by the applicant.

5. Matter requires consideration.

6. Issue notice to opposite party no. 2 returnable at an early date.

7. The opposite parties may file their counter affidavit within six weeks.

8. Rejoinder affidavit may thereafter be filed within two weeks.

9. List thereafter.

10. Till the next date of listing, further proceedings of aforesaid case shall remain stayed against the applicant only.

(Vivek Kumar Singh,J.)

February 12, 2026

A.N. Mishra