



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 6566 of 2026

Abhishek Pathak

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Ravi Kant, Vatsala
Counsel for Opposite Party(s) : G.A.

Court No. - 74

HON'BLE SANJAY KUMAR PACHORI, J.

1. Heard Mrs. Vatsala, learned counsel for the applicant and Shri Karunakar Singh, learned A.G.A. for the State.
2. The present application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita has been filed to quash the entire proceedings of Criminal Case No.2832 of 2025, arising out of First Information Report No.597 of 2023, under Sections 188, 147, 294, 323, 427 of IPC, Police Station Mauranipur, Summoning/ Cognizance order dated 23.07.2025, pending before the Court of Civil Judge (Junior Division)/ Judicial Magistrate, Mauranipur, Jhansi.
3. Learned counsel for the applicant submit that the first information report dated 06.10.2023 has been lodged by Sub-Inspector of local police station 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 report to substantiate the allegation of FIR. Cognizance order has been passed for the offence punishable under Section 188 of IPC against the mandatory provision of Section 195(1)(a)(i) of CrPC, wherein, it is provided that no court shall take cognizance for the offences under Sections 172 to 188 CrPC (both inclusive) except a complaint in writing by public servant. There is no pre-summoning with regard to the offence as alleged against the applicant.
4. Prima facie, matter requires consideration.

5. Notice on behalf of opposite party no. 1 has been accepted by learned A.G.A.

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

7. Opposite party no. 2 may file counter affidavit within two weeks. Rejoinder affidavit may be filed within one week thereafter.

8. List after eight weeks.

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

(Sanjay Kumar Pachori,J.)

March 18, 2026

Rama Kant