



**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**APPLICATION U/S 528 BNSS No. - 7298 of 2026**

Rajendra Kumar Bajpai

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite  
Party(s)

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Counsel for Applicant(s) : Lal Mani Singh, Praveen Kumar Singh  
Counsel for Opposite Party(s) : G.A.

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**Court No. - 81**

**HON'BLE VIVEK KUMAR SINGH, J.**

1. Heard learned counsel for the applicant and learned A.G.A. for the State-opposite party no.1.
2. Present application under Section 528 B.N.S.S. has been preferred for quashing the entire proceedings of Case No. 193342 of 2025 (State Vs. Rajendra Kumar Bajpai) arising out of Case Crime No. 22 of 2025, under Sections 329 (3), 318(4), 336(3), 338, 340 (2) of B.N.S., 2023 and Section 2/3 of Prevention of Damage to Public Property Act at Police Station Bithoor District Kanpur Nagar as well as charge sheet dated 01.07.2025 and cognizance order dated 04.12.2025 passed by A.C.J.M. Ist, Kanpur Nagar in the aforesaid case.
3. It is submitted by learned counsel for the applicant that a civil suit in respect of the property in question has been pending since the year 2016. As the civil proceedings are time taking, in order to exert pressure upon the applicant, the present malicious FIR was lodged on 20.01.2025. It is further submitted that no notice under Section 329(1) of the BNSS was served upon the applicant by the authorities before initiation of the criminal proceedings against him.
4. Per contra, learned A.G.A. opposed the prayer and stated that a prima facie offence is made out from perusal of the FIR and the charge-sheet was submitted after due investigation.
5. The 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, if any, may thereafter be filed within two weeks.
9. List thereafter.
10. Till the next date of listing, further proceedings of the aforesaid case shall remain stayed against the applicant only.

**(Vivek Kumar Singh,J.)**

**February 20, 2026**

Radhika