



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 7099 of 2026

Ram Kushal @ Maiku

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Ashutosh Kumar Mishra, Raj Babu Pathak

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

Court No. - 79

HON'BLE TEJ PRATAP TIWARI, J.

1. Heard learned counsel for the applicants, learned A.G.A. for the State of U.P. and perused the record.
2. The present application under Section 528 B.N.S.S. has been filed to quash the cognizance order dated 10.11.2025 passed by Additional Chief Judicial Magistrate 10th, Allahabad in Case No. 844 of 2025 arising out of Charge sheet dated 03.10.2024 in Case Crime No. 645 of 2022, under Sections 498-A, 323, 504, 506, 354(B), 376 I.P.C. & Section 3/4 D.P. Act, Police Station Meja, District Yamunanagar (Commissionerate Prayagraj) (State vs. Ram Kushal and others), pending in the court of Additional Chief Judicial Magistrate 10th, Allahabad.
3. Issue notice to opposite party no.2 returnable at an early date.
4. Learned counsel for the applicant has contended that the F.I.R. which has been lodged against the applicant under Section 354Kha I.P.C. along with other sections therein. Subsequently, the charge-sheet has been filed under Section 376 I.P.C. The report of medical examination which is annexed at page no.40 shows that opposite party no.2 had refused to allow her medical examination by the doctor. There is no sign of the offence, alleged against the applicant, available on the report.
5. Per contra, learned A.G.A. submits that the statement of the victim/opposite party no.2, annexed at page no. 56 of the instant application, clearly establishes the offence committed by the applicant. Moreover, the content of the F.I.R. clearly shows the involvement of the applicant in the

instant case.

6. The opposite parties may file counter affidavit within four weeks. Rejoinder affidavit, if any, may be filed within two weeks thereafter.

7. List this case thereafter.

8. It is made clear that in the instant case no interim order is being passed today.

February 19, 2026
MN/-

(Tej Pratap Tiwari,J.)