

Court No. - 74

Case :- APPLICATION U/S 528 BNSS No. - 7676 of 2025

Applicant :- Retired Subedar Abdul Wahab

Opposite Party :- State Of U.P. And 3 Others

Counsel for Applicant :- Kumar Vikrant, Vinay Srivastava

Counsel for Opposite Party :- G.A., Ram Ji Ojha, Sharda Prasad Mishra, Subhash Chandra Maurya

Hon'ble Sanjay Kumar Pachori, J.

Heard Sri Kumar Vikrant, learned counsel for the applicant, Sri S.P. Mishra, learned counsel for private opposite party no.4 and learned A.G.A. for the State.

The present application under Section 528 of Bharatiya Nagarik Suraksha Sanhita has been filed to quash the order dated 19.06.2024 passed by Executive Magistrate/Deputy Commissioner of Police (City), Commissionerate, Prayagraj in Case No.94 of 2024 (State Vs. Abdul Wahab Vs. Asmat Aara Khan), whereby the order has been passed under Section 145(1) of Cr.P.C..

Learned counsel for the applicant submits that the impugned order has been passed without considering the facts and circumstances as well as settled position of law. It is further submitted that the impugned order has been passed without giving any opportunity of hearing and without considering the objection of present applicant. It is further submitted that a civil suit being Original Suit No.1058 of 2024 (Abdul Wahab Vs. Asmat Aara Khatoon) is pending with regard to the subject matter of impugned order which has been instituted for a decree of permanent prohibitory injunction. A written statement has been filed by private opposite party no.4 in the aforesaid suit and an ad-interim injunction has been passed in favour of the present applicant.

Prima facie, matter requires consideration.

Notice on behalf of opposite party nos.1, 2 and 3 has been accepted by learned A.G.A.

Issue notice to opposite party no. 4 returnable at an early date.

Opposite party no. 4 may file counter affidavit within two weeks. Rejoinder affidavit may be filed within one week thereafter.

List after eight weeks.

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

Order Date :- 1.8.2025

Kpy