



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 8492 of 2025

Anand Singh And Another

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	: Bipin Kumar, Pavanesh Kumar Yadav
Counsel for Opposite Party(s)	: Chandra Dutt, G.A., Sachchida Nand Rahul

Court No. - 74

HON'BLE SANJAY KUMAR PACHORI, J.

Heard Shri Bipin Kumar, learned counsel for the applicants, Shri Chhavi Pal Singh, learned A.G.A. for the State and Shri Sachchida Nand Rahul, learned counsel for the opposite party No. 2.

The present application under Section 528 of Bhartiya Nagrik Suraksha Sanhita, 2023 has been filed to quash the entire proceedings of complaint case No. 5800 of 2016 as well as cognizance/summoning order dated 2.11.2018, whereby learned Magistrate took cognizance under Section 406, I.P.C., Police Station Saraimamrej, District Allahabad, pending in the court of Additional Chief Judicial Magistrate, Court No. 7, Allahabad.

Delay in filing the present application is explained.

Learned counsel for the applicants submits that the complaint dated 21.3.2016 has been filed on the basis of false and frivolous allegations with ulterior motive and only to harass the present applicants. It is further submitted that as per allegation of complaint, the applicants had not paid sale consideration to the brother of the complainant with regard to sale deed dated 25.7.2011 and 5.2.2014. It is further submitted that two cheques, which have been delivered with regard to sale consideration, were also dishonoured. It is further submitted that there is no pre-summoning evidence with regard to offence, as alleged, against the applicant. It is further submitted that 18 days prior to filing of complaint, brother of the complainant has died as natural death. It is further submitted that the complainant converted the civil dispute into a criminal case.

Prima facie, matter requires consideration.

Learned A.G.A. has accepted notice on behalf of opposite party No. 1.

Opposite party no. 2 may file counter affidavit within three 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 applicants.

October 6, 2025

T. Sinha

(Sanjay Kumar Pachori,J.)