



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 8602 of 2026

Subhash Chandra Yadav

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Mahesh Kumar
Counsel for Opposite Party(s)	:	G.A.

Court No. - 76

HON'BLE NAND PRABHA SHUKLA, J.

1. Heard Sri Mahesh Kumar, learned counsel for the applicants, learned AGA for the State and perused the record.
2. The present application under Section 528 B.N.S.S. has been filed with a prayer to allow this application and to quash/stay the summoning order dated 05.10.2018 in Complaint Case No.3989 of 2017 (Omprakash Soni Vs. Subhash Chandra Yadav and others) under Section 406 I.P.C., Police Station Saini, District Kaushambi, pending in the Court of Judicial Magistrate Kaushambi.
3. Learned counsel for the applicant submits that the dispute is mainly commercial in nature pertaining to dishonour of cheque. The opposite party no. 2 can seek remedy by filing a complaint under section 138 of Negotiable Instrument Act. It has also been submitted that the applicant has been implicated with mala fide intent to harass the applicant.
4. Matter requires consideration.
5. Issue notice to Opposite Party No. 2, returnable at an early date.
6. Let counter affidavit be filed by the Opposite Party No. 2 within four weeks. Applicant shall have two weeks thereafter to file rejoinder affidavit.
7. List this matter on 21.05.2026 in the daily cause list.

8. Until further orders of this Court, the proceedings of Complaint Case No.3989 of 2017 (Omprakash Soni Vs. Subhash Chandra Yadav and others) under Section 406 I.P.C., Police Station Saini, District Kaushambi, pending in the Court of Judicial Magistrate Kaushambi shall remain in abeyance.

(Nand Prabha Shukla,J.)

March 19, 2026
Puspendra