



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 8951 of 2026

Akash Singh

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Rahul Gaur

Counsel for Opposite Party(s) : Anil Kumar, G.A., Jai Prakash Prasad,
Savan Kumar

Court No. - 74

HON'BLE SANJAY KUMAR PACHORI, J.

1. Heard Shri Rahul Gaur, learned counsel for the applicant, Shri Anil Kumar, learned counsel for opposite party no. 4 and Shri Alok Mishra, learned A.G.A. for the State- opposite party nos. 1, 2 and 3.
2. The present application under Section 528 of the Bharatiya Nagarik Suraksha Sanhita has been filed to quash the entire proceedings of Criminal Case No. 17179 of 2025, (State Vs. Akash), arising out of Case Crime No. 31 of 2025, under Sections 108, 351(2) B.N.S., P.S.- Lohamandi, District- Agra as well as cognizance/summoning order dated 01.09.2025, pending in the Court of Additional Chief Judicial Magistrate, Court No. 5 Agra.
3. Learned counsel for the applicant submit that the first information report dated 13.02.2025 has been lodged with regard to the incident dated 12.02.2025 on the basis of false and frivolous allegations with ulterior motive and only to harass the present applicant. The impugned FIR has been lodged by the father of the deceased. It is further submitted that as per medical examination report, cause of death is mentioned as 'Died due to Asphyxia as a result of ante mortem hanging' and as per pre-summoning evidence including the suicide note which has been taken during the investigation, there is no allegation to constitute the essential ingredients of the offence punishable under Section 108 BNS. It is further submitted that the deceased was 19 years old at the time of the incident, however, the applicant was 20 years old. Further, the deceased and the applicant are resident of same police station.

4. Prima facie, matter requires consideration.
5. Notice on behalf of opposite party nos. 1, 2, 3 & 4 has already been accepted by learned A.G.A. as well as learned counsel for the first informant.
6. All the opposite parties may file their counter affidavits within two weeks. Rejoinder affidavit may be filed within one week thereafter.
7. List after eight weeks.
8. Until further orders of this Court, further proceedings of the aforesaid case, shall remain stayed against the present applicant.

(Sanjay Kumar Pachori,J.)

March 20, 2026
Rama Kant