



**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**APPLICATION U/S 528 BNSS No. - 11116 of 2026**

Gauri Shankar @ Gauri Shankar Verma And Another

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite  
Party(s)

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Counsel for Applicant(s) : Brij Raj Singh, Dharmendra Prasad,  
Durga Prasad Swarnkar, Prabhakar  
Vardhan, Suryakant Verma

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

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**Court No. - 74**

**HON'BLE SANJAY KUMAR PACHORI, J.**

Heard Shri Brij Raj Singh, learned counsel for the applicants and Ms. Saumya Madhyan, learned brief holder for the State.

The present application under Section 528 of Bhartiya Nagrik Suraksha Sanhita, 2023 has been filed by the applicants to quash the entire proceedings of criminal case No. 72951 of 2025, arising out of case crime No. 350 of 2025, under Sections 111(4), 111(6), 111(7) of B.N.S., Police Station- Sikriganj, District Gorakhpur as well as cognizance/summoning order dated 15.11.2025, pending in the court of Judicial Magistrate-II, Gorakhpur.

Learned counsel for the applicants submits that the first information report dated 23.8.2025 with regard to incident dated 22.8.2025 has been lodged on the basis of false and frivolous allegations with ulterior motive and only to harass the present applicants. It is further submitted that impugned F.I.R. has been lodged against unknown person. It is further submitted that on 10.9.2025, four other co-accused persons have been arrested by the police on the basis of information received from the police informer. It is further submitted that except the confessional statement of co-accused persons, which is irrelevant, there is no other evidence against the applicant. It is further submitted that the police authorities have no jurisdiction to record confessional statement of co-accused persons. It is further submitted that the charge sheet has not been submitted for the offence punishable under Sections 305, 331(4) of B.N.S. in which the first information report was also lodged. It is further submitted that no other criminal case has been registered against the applicants prior to arresting in the present case.

Prima facie, matter requires consideration.

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

Issue notice to opposite party no.2 returnable at an early date.

Learned A.G.A. as well as opposite party no. 2 may file their counter affidavits 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.

**March 20, 2026**

T. Sinha

**(Sanjay Kumar Pachori,J.)**