



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 8966 of 2026

Alok Pandey

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Kandarp Narayan Mishra, Sandeep
Kumar Rai

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

Court No. - 74

HON'BLE SANJAY KUMAR PACHORI, J.

Heard Shri Kandarp Narayan Mishra, learned counsel for the applicant and Shri Alok Mishra, learned A.G.A. for the State.

The present application under Section 528 of Bhartiya Nagrik Suraksha Sanhita, 2023 has been filed by the applicant to quash the entire proceedings of criminal case No. 14267 of 2025, arising out of case crime No. 376 of 2024, under Sections 406, 420, 504, 506, I.P.C., Police Station- Rudrapur, District Deoria as well as cognizance/summoning order dated 17.9.2025, pending in the court of Civil Judge (S.D.)/F.T.C./Additional Chief Judicial Magistrate, Deoria.

Learned counsel for the applicant submits that the first information report dated 24.8.2024 has been lodged on the basis of false and frivolous allegations with ulterior motive and only to harass the present applicant. It is further submitted that as per allegation of F.I.R., all the allegations are related to purely civil dispute and the first informant instead of filing a suit for Specific Performance of Contract/recovery of money, has lodged impugned F.I.R. It is further submitted that the first informant converted the civil dispute into a criminal case. It is further submitted that the cognizance order has been passed without applying the judicial mind as well as without considering the essential ingredients of the offence punishable under Sections 420, 406, I.P.C. for the same set of act respectively.

Learned counsel for the applicant relied upon the judgment of Apex Court in **Delhi Race Club (1940) Ltd. Vs. The State of Uttar Pradesh & Anr., 2024 SCC OnLine SC 2248.**

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 applicant.

March 20, 2026

T. Sinha

(Sanjay Kumar Pachori,J.)