



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 10835 of 2026

Anurag And 2 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Nagendra Yadav, Varun Kumar Chaubey
Counsel for Opposite Party(s) : G.A.

Court No. - 77

HON'BLE SAURABH SRIVASTAVA, J.

1. Heard learned counsel for the applicant and learned AGA for the State.
2. At the very outset, learned counsel for the applicants seeks permission to correct the prayer clause of the instant application since due to inadvertent mistake, some sections in which FIR has been lodged has not been mentioned.
3. Prayer as made by learned counsel for the applicant is hereby allowed.
4. Let necessary incorporation be carried out in the prayer clause of the instant application by learned counsel for the applicants during the course of day.
5. Learned counsel for the applicants submits that the opposite party no.2 in her statement recorded under section 161 Cr.P.C. clearly states that she is not intended to pursue the matter any more against the applicants and certain dates of incident, which has been demonstrated by learned counsel for the applicant are also not corroborating the facts as narrated through FIR whereupon investigation has been carried out by concerned Investigating Officer, which culminated into preferring charge-sheet, whereupon cognizance of offence has been taken up by learned court concerned.
6. Learned counsel for the applicant further submitted that by plain reading of the allegation which has been put forward against the applicant through narration of FIR crystal clearly demonstrates that the applicant no.2 and informant/opposite party no.2, who were having long standing relationship; in between opposite party no.2 married with some another person and later

on separated and implicated the applicants with certain imputation of charges, which are not substantiated with any credible evidences, moreover the implication of applicants into unwarranted criminal litigation once realized by the opposite party no.2 she made statement under section 161 Cr.P.C. before the concerned Investigating Officer, but the same has not been examined by concerned court that under which circumstances statement under section 164 Cr.P.C. was not recorded by the informant herself.

7. In view of aforementioned facts and circumstances of the case, learned Chief Judicial Magistrate, Azamgarh is hereby directed to ensure personal appearance of opposite party no.2, i.e., Sarika Maurya, D/o Baliram Maurya, R/o Mustafabad, P.S. Mubarakpur, District- Azamgarh along with a Lady Constable and one Sub-Inspector on the next date fixed before this Court.

8. Put up this case as fresh on **16.04.2026**.

9. Interim order, if any, is extended till the next date of listing.

10. Registrar (Compliance) is hereby directed to ensure service of this order upon learned Chief Judicial Magistrate, Azamgarh **within three working days**.

April 8, 2026
Saif

(Saurabh Srivastava,J.)