

**Court No. - 73**

**Case :-** APPLICATION U/S 528 BNSS No. - 13534 of 2025

**Applicant :-** Manoj Kumar

**Opposite Party :-** State of U.P. and Another

**Counsel for Applicant :-** Mrityunjay Dwivedi

**Counsel for Opposite Party :-** G.A., Ramesh Narayan, Ved Prakash Pandey

**Hon'ble Dinesh Pathak, J.**

1. Learned A.G.A has filed copy of Compliance Affidavit, today in Court which is taken on record.

2. Office is directed to proceed accordingly.

3. As per Compliance Affidavit, notice is personally served upon the respondent no.2. However, despite service of notice no one has put appearance on his behalf.

4. Heard learned counsel for the applicant, learned counsel for opposite party no. 2 as well as learned A.G.A. representing State-opposite party No. 1 and perused the record on Board.

5. The applicant have invoked the inherent jurisdiction of this Court under Section 528 B.N.S.S. to quash the entire criminal proceedings as well as the impugned charge sheet dated 19.06.2024 in Case Crime No.65 of 2024, Police Station Gaunda, District Aligarh along with summoning order dated 26.07.2024 passed by Special Judge S.C./S.T. Act, Aligarh in S.T NO. 3086 of 2024 (State Vs. Manoj and 5 others) through which summoning the applicant for facing trial under Section 147, 452, 354, 323, 325, 506 I.P.C r/w Section 3(2)5A of SC./S.T Act.

6. It is submitted that there is nothing on record to indicate that the first informant has been victimized because of his caste being a person belonging to S.C./S.T. community. Subsequent F.I.R in question has been lodged in counter blast to the previous first information report, been case crime no. 0364 of 2023 dated 03.11.2023, wherein father of the applicant no.1 has made allegation against the first informant of the present first information report and his son as well as wife under Section 354, 506 I.P.C. and Section 7 & 8 POCSO Act. It is next submitted that with respect to incident in question dated 03.11.2023, for the first time complaint has been filed on 05.01.2024 and first information

has been lodged on 16.02.2024. It is next submitted that as per medical report only pain and swelling has been shown to be inflicted to the victims. False case has been portrayed in the first information report to wreak vengeance against the present applicant and his family members.

7. Matter requires consideration.

8. List the matter on 13.08.2025.

9. In the meantime, both the parties shall exchange their respective affidavits, if any.

10. Till the next date of listing, no coercive action shall be taken against the applicant in the aforementioned case.

**Order Date :- 3.7.2025**

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