



2026:AHC:56926

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 10973 of 2026

Kailash Nath

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Devendra Kumar Tiwari
Counsel for Opposite Party(s)	:	G.A.

Court No. - 73

HON'BLE DEEPAK VERMA, J.

1. Heard learned counsel for the applicant; learned A.G.A. for the State and perused the record.

2. Present application has been filed to quash the further proceeding of Section 82 Cr.P.C. dated 30.10.2025 and Section 83 Cr.P.C. dated 26.02.2026 initiated against the property of the applicant (accused father) in Complaint Case No.603 of 2021 (Arun Kumar Yadav Vs. Mukesh Kumar) Under Section 138 N.I. Act, Police Station-Handia, District-Prayagraj, pending in the court of Additional Chief Judicial Magistrate, Room No.8, Allahabad.

3. Counsel for the applicant submits that applicant is father of the accused Mukesh Kumar who is employed as pump operator in irrigation department P.S. Handia at Prayagraj district. The present proceedings under Section 138 N.I. Act has been initiated against the son of the applicant. The son of the applicant was not cooperating in the trial court proceedings, therefore, the court issued NBW and proceedings under Section 82 Cr.P.C. and 83 Cr.P.C. has also been initiated against him. It is next submitted that the trial court in compliance of Section 82 and 83 Cr.P.C. sent notice over the house of the applicant for attachment. Counsel for the applicant submits that applicant is father of accused Mukesh Kumar, having no concern with the activities of his son and has moved application before the trial court that applicant is owner of the property having no concern with the accused Mukesh Kumar (son of the applicant). The trial court may direct

to arrest the applicant's son from the posting place and attaching all the property of the applicant is abuse of the process of the Court. The order impugned is liable to be set aside.

4. Learned A.G.A. vehemently opposed the submission of counsel for the applicant and submits that there is no illegality in the order impinged.

5. Considered the argument raised by counsel for the parties. Since the applicant, who is father of the accused, has filed objection before the learned Magistrate with regard to not attach the property of the applicant and the same is pending. No order has been passed by the learned Magistrate. The present application is **disposed of** with direction that the trial court shall pass an order on the objection of the applicant dated 14.02.2025 within a period of one month from the date of production of certified copy of this order.

6. Till then no coercive action shall be taken against the applicant.

(Deepak Verma,J.)

March 19, 2026

Meenu Singh