



2026:AHC:109828

**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**APPLICATION U/S 528 BNSS No. - 11145 of 2025**

Deepak Kumar

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite  
Party(s)

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Counsel for Applicant(s) : Ajay Kumar Pandey, Sheshadri Trivedi,  
Sr. Advocate

Counsel for Opposite Party(s) : G.A., Satendra Kumar, Sukrampal

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**Court No. - 80**

**HON'BLE VIVEK KUMAR SINGH, J.**

1. Heard Sri Ajay Kumar Pandey, learned counsel for the applicant, Sri Satendra Kumar Sukrampal, learned counsel for opposite party no.2 and learned A.G.A. for the State.

2. The present application under Section 528 of B.N.S.S. has been filed for quashing the impugned Charge Sheet dated 16.01.2025 and impugned cognizance/summoning order dated 04.02.2025 as well as entire proceedings of Criminal Case No. 147 of 2025 (State of U.P. Vs. Babloo Sharma and others), arising out of case crime no. 177 of 2024, under Sections 420, 406, 376 of I.P.C., Police Station- Gangoh, District Saharanpur, pending in the court of learned Additional Civil Judge (J.D.) Fourth/ Judicial Magistrate, Court No.33, Saharanpur.

3. The contention of the counsel for the applicant is that no offence against the applicant is disclosed and the present prosecution has been instituted with a malafide intention for the purposes of harassment. He pointed out certain documents and statements in support of his contention.

4. The disputed defence of the accused cannot be considered at this stage. Moreover, the applicant has got a right of discharge under Section 262(2) or 250(2)/251 B.N.S.S. as the case may be through a proper application for the said purpose and he is free to take all the submissions in the said discharge application before the Trial Court.

5. The prayer for quashing the proceedings of the aforementioned case is refused.

6. However, it is provided that in case, the applicant moves an appropriate application for discharge through counsel before the concerned Court below within a period of one month from today, the same shall be considered and disposed off as expeditiously as possible in accordance with law, by the concerned Court below preferably within a period of two months, thereafter.

7. For a period of three months from today or till the disposal of the discharge application whichever, is earlier, no coercive action shall be taken against the applicant in the aforesaid case.

8. In case no such application is filed within a period of one month from today, as prescribed above, the present order shall stand automatically vacated.

9. With the aforesaid directions, this application is finally **disposed off**.

**(Vivek Kumar Singh,J.)**

**May 12, 2026**

Radhika