



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 12396 of 2026

Aaditya

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Raju Kumar, Sandeep Kumar Rai
Counsel for Opposite Party(s)	:	G.A.

Court No. - 76

HON'BLE SANJAY KUMAR PACHORI, J.

1. Sri Sandeep Kumar Rai, learned counsel for the applicant and Shri Ashwani Kr. Rai, learned A.G.A. for the State.
2. The present application under Section 528 of Bhartiya Nagrik Suraksha Sanhita, 2023 has been filed by the applicant to quash the entire proceeding of Special Case No. 2398 of 2025 (State vs. Sanjay and others), arising out of case crime No. 41 of 2025, under Sections 2/3 U.P. Gangsters and Anti-Social Activities (Prevention) Act, 1986, P.S. Majhola, District Moradabad as well as impugned cognizance/summoning order dated 2.12.2025, pending before the Special Judge (Gangsters Act), Moradabad.
3. Learned counsel for the applicant submits that the F.I.R. dated 24.1.2025 has been lodged only to harass the present applicant. It is further submitted that the aforesaid case has been imposed upon the applicant on the basis of a solitary case, being Case Crime No. 285 of 2024, under Sections 272, 273, 420, 467, 468, 471 I.P.C. and Section 60(1) U.P. Excise Act, in which the present applicant has been implicated on the basis of confessional statement of the arrested co-accused persons (which is irrelevant).
4. Prima facie, matter requires consideration.
5. Learned A.G.A. has accepted notice on behalf of Opposite Party.
6. Learned A.G.A. may file counter affidavit within three weeks. Rejoinder affidavit may be filed within one week thereafter.

7. List after eight weeks.

8. Until further orders of this Court, further proceedings of the aforesaid case shall remain stayed against the applicant-Aditya.

(Sanjay Kumar Pachori,J.)

March 28, 2026

Vandana