



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 12514 of 2026

Kapil

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	: Rajesh Kumar Pal
Counsel for Opposite Party(s)	: Dheeraj Maheshwari, G.A., Munna Lal

Court No. - 76

HON'BLE SANJAY KUMAR PACHORI, J.

Sri Munna Lal, Advocate has pointed out that he has filed Vakalatnama on 23.04.2026 in the office, which is not on record.

Office is directed to trace it out and place the same on record.

Sri Rajesh Kumar Pal, learned counsel for the applicant, Sri Munna Lal, learned counsel appearing for the private opposite party no. 2 and Sri Karunakar Singh, learned A.G.A. for the State are present.

The present application under Section 528 of Bharatiya Nagarik Suraksha Sanhita has been filed to quash the entire proceedings of Special Case No. 266 of 2021, arising out of Case Crime No. 0449 of 2021, under Section 354, 354D, 506, I.P.C. and Sections 7/8 POCSO Act, P. S. Tilamod, District Ghaziabad as well as cognizance/ summoning order dated 18.10.2021, pending in the court of Special Judge (POCSO Act), Ghaziabad.

Learned counsel for the applicants submitted that impugned FIR dated 15.08.2021 has been lodged with regard to the incident dated 15.08.2021 on the basis of false and frivolous allegations with ulterior motive and only to harass the present applicant. It is further submitted that the impugned FIR has been lodged on the basis of an application under Section 156 (3) of Cr.P.C dated 12.07.2021 by father of the victim. It is further submitted that elder sister of victim stated that she has relation with the present applicant and had gone with the present applicant on 22.02.2021. It is further submitted that as per alleged incidence, which had also taken place in the month of February, 2021. Both the parties are near relatives. There is dispute with regard to non-solemnizing the marriage with elder sister of the victim.

Prima facie, matter requires consideration.

Notice on behalf of opposite party no. 1 has been accepted by learned

A.G.A.

Issue notice to private opposite party no. 2 through C.J.M. concerned, returnable at an early date.

Learned A.G.A. as well as private opposite party no. 2 may file a counter affidavit within three weeks.

Rejoinder affidavit may thereafter be filed within one week.

List this case after eight weeks showing the name of Sri Munna Lal, Advocate as counsel for the opposite party.

Until further orders, further proceedings of aforesaid case shall remain stayed against the applicant.

(Sanjay Kumar Pachori,J.)

April 24, 2026

MAA/-