



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 13398 of 2026

Pradeep

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s) : Nanhe Lal Tripathi, Rahul Upadhyay
Counsel for Opposite Party(s) : G.A.

Court No. - 82

HON'BLE PADAM NARAIN MISHRA, J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State.
2. The present application u/s 528 BNSS has been filed with a prayer to quash the summoning order dated 21.12.2022 passed by the Presiding Officer, Judicial Magistrate/Civil Judge (JD), Atrauli Aligarh in Case No. 542 of 2021, (Poonam Devi Versus Pradeep and Others) in Case Crime No. 91 of 2018, Police Station-Paali Mukheempur, District-Aligarh and also set aside the order dated 28.08.2025 in Criminal Revision No. 35 of 2025 passed by Additional Sessions Judge, Court No. 6, Aligarh.
3. Learned counsel for the applicant submitted that the present case has been instituted against him as a counterblast to the earlier proceedings. He further submitted that an FIR dated 05.03.2018 was lodged by Rajesh, a friend of the applicant, in respect of the same incident against the husband of the complainant and six other persons. It is next contended that the applicant has been falsely implicated in the present case merely on account of his being a witness in the aforesaid case, and for that reason, the informant has maliciously implicated him. He further submitted that the present FIR has been lodged after an unexplained delay of 11 days, which creates doubt on the prosecution story. It is also submitted that no medical report has been brought on record by the prosecution in support of the allegations.
4. Prima facie, matter requires consideration.
5. Notice on behalf of State has been accepted by learned A.G.A.
6. Issue notice to respondent no. 2 through C.J.M. concerned, returnable at an early date.

7. Learned A.G.A. as well as respondent no. 2 may file their counter affidavits within four weeks.

8. Rejoinder affidavit, if any, be filed within two weeks thereafter.

9. List thereafter.

10. Till the next date of listing, no coercive action shall be taken against the applicant the summoning order dated 21.12.2022 passed by the Presiding Officer, Judicial Magistrate/Civil Judge (JD), Atrauli Aligarh in Case No. 542 of 2021, (Poonam Devi Versus Pradeep and Others) in Case Crime No. 91 of 2018, Police Station-Paali Mukheempur, District-Aligarh and also set aside the order dated 28.08.2025 in Criminal Revision No. 35 of 2025 passed by Additional Sessions Judge, Court No. 6, Aligarh.

(Padam Narain Mishra,J.)

April 9, 2026
Neetu