

Court No. - 52

Case :- APPLICATION U/S 528 BNSS No. - 13241 of 2025

Applicant :- Suresh Chandra And 3 Others

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Prabhat Kumar Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Manju Rani Chauhan,J.

Compliance affidavit filed by learned A.G.A. today in the Court, is taken on record. Accordingly, notice upon opposite party no.2 is sufficient.

Heard Mr. Prabhat Kumar Tiwari, learned counsel for the applicants, Mr. Deepak Kapoor, learned A.G.A. for the State and perused the record.

This application U/S 528 BNSS has been filed by the applicants with the prayer to quash the entire proceedings of Session Case No.1671 of 2024 (State Vs. Ishan & others), arising out of Case Crime No. 0039 of 2024, under Sections 323, 504, 506 I.P.C. and 3(1) da, dha, 3(2)va SC/ST Act, Police Station Achhnera, District Agra, pending in the court of Special Judge SC/ST Act, Agra as well as to quash the charge-sheet dated 18.04.2024 and impugned cognizance order dated 22.08.2024 passed in the aforesaid case.

Learned counsel for the applicants submits that applicant nos. 1, 2 and 3 are related to opposite party no.2 and belong to Schedule Caste category, therefore, no offence under Section 3(1) da, dha, 3(2)va SC/ST Act is made out against them. He further submits that as regards applicant no.4 is concerned, a civil dispute is pending between applicant no.4 and opposite party no.2, therefore, the present case has been filed in order to exert pressure upon the applicants. This is a case of malicious prosecution. He next submits that continuance of proceedings against the applicants is nothing but an abuse of process of law.

Matter requires consideration.

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

Opposite parties may file their counter affidavits within four weeks. Rejoinder affidavit, if any, may be filed within two weeks thereafter.

List thereafter.

Till the next date of listing, further proceedings of the aforesaid case shall remain stayed against the applicants.

Order Date :- 9.5.2025

Abhishek Singh