



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 14493 of 2025

Akash Kumar

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : R S Dubey, Savita Dubey
Counsel for Opposite Party(s) : Ajai Kumar, Ajay Singh, G.A.

Court No. - 78

HON'BLE TARUN SAXENA, J.

1. Supplementary affidavit on behalf of the applicant filed today in the Court is taken on record.

2. Heard Mr. R.S. Dubey, learned counsel for the applicant and Shri Ajay Kumar, learned counsel for opposite party no.2 as well as learned AGA for the State and perused the record.

3. This application U/S 528 BNSS has been filed by the applicant with the prayer to quash the entire proceedings of Criminal Case No. 1234 of 2025 (State Vs. Akash Kumar), arising out of Case Crime No.0493 of 2024, under Sections 376(2)(N), 504 and 506 I.P.C. and Section 5L/6 POCSO Act, Police Station Chiluatal, District Gorakhpur as well as charge-sheet dated 17.10.2024 and cognizance order dated 08.04.2025 passed by A.C.J.M./ Special Judge, POCSO Act, Gorakhpur.

4. Learned counsel for the applicant submits that as per the version of the F.I.R. the incident took place in the year 2014 while the F.I.R. has got registered on 13.07.2024 after a delay of almost ten years and there is no explanation for the same. It is alleged in the FIR lodged by opposite party no. 2 (Victim) that the applicant-accused has entered into sexual intercourse with the victim on false promise of marriage. It is further submitted that earlier applicant has filed Criminal Misc. Writ Petition No. 14582 of 2024 before this Court and this Court vide its order

dated 22.08.2024 has granted interim relief to the applicant in the shape of arrest stay till cognizance is taken by the court on police report.

5. Matter needs consideration.

6. Notice on behalf of opposite party no. 1 has been accepted by learned A.G.A.; whereas Mr. Ajay Kumar, learned counsel has appeared on behalf of the opposite party no.2.

7. Opposite party no.2 is directed to file their counter affidavit within four weeks. Learned A.G.A. may also file counter affidavit within the same period. Rejoinder affidavit may thereafter be filed within two weeks thereafter.

8. Put up this case as fresh on 02.04.2026.

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

(Tarun Saxena,J.)

February 24, 2026

AS