

Court No. - 74

Case :- APPLICATION U/S 528 BNSS No. - 19092 of 2025

Applicant :- Bhupendra Alias Chandan Singh

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

Counsel for Applicant :- Pradip Kumar Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Pachori,J.

Sri Pradip Kumar Shukla, learned counsel for the applicant and Sri Tejbhan Singh, learned A.G.A. for the State are present.

The present application u/s 528 of BNSS of 2023 has been filed with prayer to quash the entire proceedings of Complaint Case No. 4759 of 2024 (Smt. Neeroo Singh vs. Bhupendra @ Chandan Singh), under Sections 494, 323, 504, 506 IPC, P.S. Kidwai Nagar, District Kanpur Nagar as well as cognizance/summoning order dated 25.10.2024, pending in the Court of Additional Civil Judge (Senior Division), Court No. 6, District Kanpur Nagar.

Learned counsel for the applicant submitted that impugned complaint dated 30.10.2023 has been filed on the basis of false and frivolous allegations with ulterior motive and only to harass the applicant. It is further submitted that there is no medical examination report to substantiate the allegation of complaint. It is further submitted that there is no pre summoning evidence to constitute the offence punishable under Sections 494, 504 IPC. It is further submitted that matrimonial dispute is pending between the parties since September, 2018. It is further submitted that marriage of the complainant with the applicant was solemnized on 05.06.2010.

Prima facie, matter requires consideration.

Notice on behalf of private 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 their counter affidavits within three weeks.

Rejoinder affidavit may thereafter be filed within one week.

List this case after eight weeks.

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

Order Date :- 8.7.2025

MAA/-