



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 19235 of 2025

Satyapriya Lakhotia

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Akhilesh Kumar Maurya, Siddharth Singhal

Counsel for Opposite Party(s) : Atul Mehra, G.A., Sudhir Mehrotra

Court No. - 89

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Shri Manish Tiwari, learned Senior Counsel assisted by Shri Siddharth Singhal along with Shri Archit Upadhyay, learned counsel for the applicant, Shri Atul Mehra along with Shri Sudhir Mehrotra, learned counsel for the opposite party no.2 and Shri B.P. Maurya, learned AGA for the State.
2. The present application U/S 528 BNSS has been filed with prayer to quash the entire proceedings, including the proceeding of charge sheet dated 18.04.2025 and impugned summoning order dated 28.04.2025 as well as entire proceedings of Case No.4384 of 2025, arising out of Case Crime No.209 of 2024, under Sections 420, 468, 471, 506 of IPC, P.S. Sector-24, Noida, District Gautam Buddh Nagar, pending in the Court of learned Additional Chief Judicial Magistrate-Ist, Gautam Buddh Nagar.
3. Learned Senior Counsel submits that the present prosecution is an abuse of the process of the Court as the civil dispute is being given colour of criminal case. It is further contended that the offence under Sections 420 and 406 IPC cannot stand together in view of law laid down by Hon'ble Supreme Court in the case of Delhi Race Club (1940) Limited and others Vs. State of Uttar Pradesh and another, 2024 SCC OnLine SC2248.
4. Learned Senior Counsel further contended that the first information report has been lodged after a delay of 10 years.
5. Learned counsel for the opposite party no.2 submits that the negotiations were going on between the applicant and opposite party no.2 and a civil suit has also been filed.

6. On the other hand, learned AGA submits that the learned Magistrate has rightly taken cognizance of the offence.

7. Since, the pleadings have been exchanged between the parties. Counter affidavit has already been filed by opposite party no.2 and rejoinder affidavit to the counter affidavit has also been filed by learned counsel for the applicant. Learned AGA may also file his counter affidavit within two weeks.

8. List this case as fresh on 08.10.2025.

9. Till the next date of listing, further proceedings of Case Crime No.209 of 2024, under Sections 420, 468, 471, 506 of IPC, P.S. Sector-24, Noida, District Gautam Buddh Nagar, pending in the Court of learned Additional Chief Judicial Magistrate-Ist, Gautam Buddh Nagar, against the applicant, shall remain stayed.

September 2, 2025
RKM

(Jitendra Kumar Sinha,J.)