

Court No. - 74

Case :- APPLICATION U/S 528 BNSS No. - 19148 of 2025

Applicant :- Smt. Neeta Devi

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

Counsel for Applicant :- Manish Gupta, Vaishali Sahu

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Pachori, J.

Sri Manish Gupta, learned counsel for the applicant and Sri R.K. 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. 61720 of 2023, under Sections 406 IPC, P.S. Cantt., District Gorakhpur as well as cognizance/summoning order dated 25.10.2024, pending in the Court of Additional Civil Judge (Junior Division), Court No. 1, Gorakhpur.

Learned counsel for the applicant submitted that impugned complaint dated 15.12.2023 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 a civil suit for decree of specific performance being Original Suit No. 143 of 2018 is pending between the parties with regard to subject matter of complaint. It is further submitted that the complainant has converted a civil dispute into a criminal case.

Prima facie, matter requires consideration.

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

Issue notice to respondent no. 2 through C.J.M. concerned, returnable at an early date.

Learned A.G.A. as well as respondent 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/-