



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 21947 of 2025

Shabana Rahman Alias Neha Acharya Alias
Sangeeta Alias Bhumiika Mishra Alias Shweta
Alias Deeya

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Arvind Kumar Dixit
Counsel for Opposite Party(s)	:	G.A.

Court No. - 92

HON'BLE RAM MANOHAR NARAYAN MISHRA, J.

1. Heard learned counsel for the applicant through video conferencing and learned A.G.A. for the State.
2. The instant application under Section 528 BNSS has been filed by the applicant with a payer to quash the entire proceedings of Case No.1197 of 2013, arising out of Case Crime No.723 of 2012, under Sections 420, 406 and 411 I.P.C., Police Station Sector 39, District Gautam Buddh Nagar as well as charge-sheet dated 19.11.2012 and summoning order dated 24.01.2013.
3. Learned counsel for the applicant submits that, as per the FIR, the informant, Akhil Kumar Rastogi, came with two persons, one male and one female on 30.09.2012 to GIP Mall, Noida. They had a meal together, after which the informant was allegedly hypnotized by certain tricks played by them. They took him to an ATM and made him withdraw Rs. 50,000/-, which was handed over to them. Thereafter, they also took him to a jewellery shop, from where the informant purchased a bracelet for them. When he regained consciousness, they had left the place. During the investigation, the names of the applicant and her husband surfaced. The applicant was arrested on 23.10.2012.
4. Learned counsel for the applicant further submits that the names of the applicant and co-accused surfaced during the investigation, and some

recoveries were shown to be in the possession of the applicant, which were her own articles. The police submitted a charge-sheet against the applicant and the co-accused persons, under Sections 406, 420, and 411 of the I.P.C. He next submits that FIR in the case was lodged on 25.10.2012, whereas the occurrence took place on 30.09.2012 as per FIR version. The said FIR is highly belated. He further submits that charges have been framed in the case, but the prosecution has yet to lead its evidence. The applicant has filed discharge application before the trial court, which has been pending for several years. The informant has not disclosed why he was having dinner with the applicant and is not even sure whether he was unconscious or hypnotized, and if so, whether it was by the applicant or due to some other reason. He further submits that the Investigating Officer has not provided the CCTV footage dated 30.09.2012 from the Street Food of India restaurant in GIP Mall, Noida, nor any details regarding ATM of informant or bank accounts from which the payments were allegedly made. The CCTV footage of the jewellery shop has also not been collected to substantiate the version of the informant. The applicant has been falsely implicated in the present case, and no description has been provided regarding the ATM from which Rs. 50,000/- was withdrawn.

5. Matter requires consideration.

6. Issue notice to opposite party No.2, returnable at an early date.

7. Steps be taken within a week.

8. List this case on 07.11.2025 as fresh.

9. Counter affidavit, if any, be filed by the next date.

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

(Ram Manohar Narayan Mishra,J.)

September 23, 2025

Amit