



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 23813 of 2025

Ramesh Rajbhar

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Balram Mishra
Counsel for Opposite Party(s) : Alauddin, Fakhruddin, G.A.

Court No. - 78

HON'BLE TARUN SAXENA, J.

Two rejoinder affidavit on behalf of the applicant filed today is taken on record.

Heard Sri Balram Mishra, learned counsel for the applicant, Sri Alauddin Khan, learned counsel for the opposite party no. 2 and the learned A.G.A. for the State.

The present 528 BNSS application has been filed to quash the impugned charge sheet dated 09.12.2024 as well as cognizance/summoning order dated 01.04.2025 and entire criminal proceedings of Session Case No. 203 of 2025 (State Vs. Ramesh Rajbhar), arising out of Case Crime No. 210 of 2024, under Section 376, 323, 504, 506 I.P.C. and Section 3(1)(r), 3(1)(s), 3(2)(va), 3(2)(v) of S.C./S.T. Act, Police Station Belharkala, District Sant Kabir Nagar, pending in the Court of Special Judge (S.C./S.T. Act), Sant Kabir Nagar.

Learned counsel for the applicant submits that at the time of alleged occurrence the applicant and the victim were major and it is a case of consensual relationship between the parties. Learned counsel for the applicant has submitted that the present first information report lodged by opposite party no. 2 is nothing but a bundle of lie and the same has been lodged only for exploiting the applicant by indulging his name in a fake, false and frivolous case. He further submits that earlier the applicant

was filed a writ petition being Criminal Misc. Writ Petition No. 18358 of 2024 before this Court and arrest of the applicant was stayed till submission of charge sheet by this Court vide its order dated 19.11.2024 annexed as annexure no. 3 to this application. Learned counsel for the applicant, therefore, submitted that the present criminal proceedings initiated against the applicant is not only malicious but also amounts to an abuse of the process of the Court. On the cumulative strength of the aforesaid submissions, it is submitted by learned counsel for the applicant that the proceedings of the above mentioned case are liable to be quashed by this Court.

Learned counsel for the opposite party no. 2 as well as learned A.G.A. for the State submits that during the course of investigation incriminating evidence has been collected and proper cognizance has been taken by the Trial Court concerned against the applicant, therefore, no case for quashing of the proceedings is made out.

In view of the above, matter requires consideration.

Learned counsel for the opposite party no. 2 as well as learned A.G.A. for the State may file their counter affidavits within three weeks. Rejoinder affidavit may be filed within two weeks thereafter.

List this case on 27.02.2026 as fresh in top ten cases.

Till the next date of listing, no coercive action shall be taken against the applicant in the aforesaid case.

(Tarun Saxena,J.)

February 19, 2026
SK Srivastava