



2026:AHC:104460

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 27868 of 2025

Naushaad

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Syed Abbas Shaukat Abidi, Syed Ahmed Faizan, Syed Ali Shaukat (Abidi)

Counsel for Opposite Party(s) : G.A., Sushil Kumar Dubey, Vishal Jaiswal

Court No. - 80

HON'BLE VIVEK KUMAR SINGH, J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.

2. This application has been filed by the applicant to quash the charge-sheet dated 15.11.2023 and cognizance order dated 29.01.2024 as well as entire proceedings of the S.T. No.232 of 2024 (State Vs. Naushaad) arising out of Case Crime No.234 of 2023, under Sections 302, 120-B of I.P.C., Police Station Barhampuri, District Meerut, pending in the court of Additional District and Session Judge, Meerut.

3. Learned counsel for the applicant submitted that the proceeding initiated against the applicant is illegal and against the material available on record; the material of investigation does not disclose commission of any alleged offences against the applicant and as such the proceedings initiated against the applicant including the impugned charge-sheet and cognizance/summoning order are liable to be quashed by this court. Learned counsel for the applicant further submitted that the applicant was falsely implicated. Earlier, no charge-sheet was submitted against him. The witnesses mentioned in the FIR are interested witnesses, and their testimony cannot be believed. However, after further investigation, the charge-sheet was submitted against the applicant.

4. Per contra, learned AGA for the State vehemently opposed the prayer

as made in the application and rebutted the stand taken up by learned counsel for applicant by way of submitting that the averments whatsoever has been raised by learned counsel for applicant is subject matter of trial and submitted that after considering the material available on record, charge-sheet has been submitted against the applicant upon which learned court concerned has rightly taken cognizance and summoned the applicant. It is further submitted that there is an eyewitness account of the incident and that the occurrence was witnessed by eyewitnesses Sultan, Arif, Waseem, Sharif, and Jeeshan. They have supported the prosecution case when their statements under Section 161 Cr.P.C. were recorded. Even witness Waseem has been examined in the trial court as PW-2, wherein he categorically stated that the deceased was done to death by the applicant and others. The trial is at an advanced stage, and the charge-sheet cannot be quashed by this Court, since a prima facie offence is made out against the applicant.

5. After hearing rival submissions extended by learned counsel for the parties and by bare perusal of record, there appears to be no illegality and impropriety in the impugned charge-sheet and cognizance order and as such learned court concerned has rightly proceeded against the applicant.

6. In view thereof, the instant application under Section 528 BNSS lacks merit and is hereby **dismissed**.

(Vivek Kumar Singh,J.)

May 6, 2026
Radhika