



2026:AHC:103659

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 26876 of 2025

Rahul Garg And 4 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Gajendra Singh Arya, Shikhar Tandon

Counsel for Opposite Party(s) : G.A., Ramesh Kumar Pandey

Court No. - 89

HON'BLE ANIL KUMAR-X, J.

1. Heard Shri P.K. Srivastava, learned Senior Advocate assisted by Shri Shikhar Tandon, learned counsel for the applicants, Shri Ramesh Kumar Pandey, learned counsel for the private opposite party and Shri D.K. Rai, learned A.G.A. for the State.

2. This application under Section 528 BNSS has been filed with the following main prayer :-

"It is, therefore, most respectfully prayed that this Hon'ble Court may be pleased to quash the impugned summoning order dated 18.06.2025 passed by the Additional Civil Judge (Senior Division), Court no. 6/Additional Chief Judicial Magistrate, Ghaziabad as well as entire criminal proceedings in Complaint Case No.1026 of 2023 (Registration No. 14359 of 2024), titled Venkatesh v. Rahul Garg and Ors., under Section 406, 468 and 471 of the IPC, Police Station: Nandgram, Dist. Ghaziabad."

3. From the submissions raised by learned counsel for the parties, it is apparent that both parties, who were members of Ajnara Integrity Society, Ghaziabad, have lodged complaint and FIR against each other. In all these complaints/FIR, rival allegations have been made against each other of committing fraud and financial irregularities.

4. In the given circumstances, this Court is of the view that the allegations of both parties require certain deeper probe pertaining to financial irregularities/misappropriation.

5. Hence, the impugned order dated 18.6.2025 passed in Complaint Case No.1026 of 2023 (Venkatesh vs. Rahul Garg & Ors.) is hereby set aside.

However, the concerned trial court shall direct an investigation as envisaged under Section 202(1) Cr.P.C. and thereafter pass a fresh order after considering the inquiry report along with the statements of the complainant and his witnesses recorded under Sections 200 and 202 Cr.P.C.

6. This petition is, accordingly, **allowed**.

(Anil Kumar-X,J.)

May 6, 2026
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