



**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**APPLICATION U/S 528 BNSS No. - 31194 of 2025**

Dr Rakesh Alias Sadhvi Haripriya

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite  
Party(s)

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Counsel for Applicant(s) : Murli Dhar Mishra, Ramesh Chandra Shukla

Counsel for Opposite Party(s) : G.A.

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**Court No. - 71**

**HON'BLE RAJ BEER SINGH, J.**

1. Heard learned counsel for applicant and learned AGA for State.
2. This application under Section 528 Bharatiya Nagarik Suraksha Sanhita (hereinafter referred to as BNSS) has been filed seeking following prayer:  
  
*"It is, therefore, prayed that the order dated 21.05.2025 passed by Sri Rakesh Kumar, City Magistrate, Mathura passed in New Case No. 2474 of 2024 (Dr. Rakesh Ghai Versus Baba Damodar) and order dated 22.06.1998 passed U/s 145(1) and 146(1) of Cr.P.C. in Old Case No. 12 of 1998 by the City Magistrate, Mathura and the entire proceeding in Old Case No. 12 of 1998 and New Case No. 2474 of 2024 pending in the court of City Magistrate, Mathura may be quashed and the properties in question may be ordered to be released in favour of the applicant and any other or further order, which this Hon'ble Court may deem fit and proper may also be passed and the property in question may be ordered to be released in favour of the present applicant."*
3. It is submitted by learned counsel for applicant that the aforesaid case has been decided by the learned City Magistrate, Mathura vide impugned order dated 21.05.2025 and it has been observed that there was no apprehension of breach of peace regarding disputed property but despite that while deciding the case a direction has been made that parties shall maintain status quo till the disposal of civil suit pending before the court of Civil Judge (Senior Division), Mathura. Learned counsel submitted that as there was no apprehension of breach of peace and regarding disputed property a civil suit is already pending before the civil court, thus the direction of learned City Magistrate to maintain status quo till the disposal of civil case is against law.
4. Matter requires consideration.

5. Issue notice to opposite party no.2, returnable at an early date.
6. The opposite parties may file counter affidavit within four weeks.
7. Put up on 29.10.2025 as fresh.

**September 22, 2025**  
CS/-

**(Raj Beer Singh,J.)**