



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 482 No. - 25205 of 2024

Yogesh

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Aishwarya Pratap Singh,
		Shreyansh Agrawal
Counsel for Opposite Party(s):		G.A.

Court No. - 75

HON'BLE SAMIT GOPAL, J.

1. List revised.

2. Heard Sri Aishwarya Pratap Singh, learned counsel for the applicant, Sri Ajay Singh, learned A.G.A.-I for the State and perused the record.

3. On 16.10.2024 the following order was passed by a co-ordinate Bench of this Court:-

"1. Learned AGA has filed a compliance affidavit to the effect that notice has personally been served, which was received by Opposite Party No. 2 himself.

2. Heard learned counsel for the applicant, learned AGA and perused the record on board.

3. The applicant has invoked the inherent jurisdiction of this Court under Section 482 Cr.P.C. for quashing the entire proceeding including Charge sheet No. 506 of 2020 dated 10.12.2020 and summoning order dated 09.02.2021 in the Session Case No. 732 of 2021 (State vs. Yogesh), under Sections 323, 325, 504, 506, 354 of I.P.C. & Section 3(2) (va) of S.C./S.T. Act, arising out of Case Crime No. 447 of 2020, Police Station-Tappal, District- Aligarh, pending before Special Judge S.C./S.T. Act, Aligarh.

4. As per FIR version, the present applicant has illegally encroached upon the partial area of plot belonging to the complainant. When the complainant has resisted, he has been threatened and abused.

5. It has been submitted that false and malicious prosecution has been instituted against the present applicant showing illegal encroachment allegedly made by him over the property measuring area 500 square yard allegedly belonging to the complainant. With respect to said

incident, an FIR was lodged accusing two persons namely the present applicant and his son Mayank, however, Mayank has not been arraigned in the charge sheet, which has been filed only against the present applicant. It is next submitted that with respect to the property in question, the complainant has already filed a suit being OS No. 1058 of 2022 for permanent prohibitory injunction. Said suit was dismissed, vide order dated 21.2.2024 passed by Civil Judge, Junior Division, Aligarh. At later stage, with malicious intention, the complainant has lodged another FIR being FIR No. 0320 dated 12.8.2022 showing incident dated 11.8.2022 with respect to the same property in question i.e. plot No. 817 measuring area 500 square yards. The petitioner has assailed the charge-sheet and the FIR No. 0320 before this Court by way of moving an application under Section 482 CrPC No. 9693 of 2024 (Yogesh and 5 Others Vs. State of UP and another). The co-ordinate Bench of this Court, vide order dated 19.7.2024, has granted interim order in favour of all the accused of the aforesaid FIR (including present applicant). It is next submitted that the first informant has no concern with the plot No. 817. Said plot in question i.e. plot No. 817 measuring area 500 square yard has been purchased by the applicant through a registered sale deed dated 29.8.2008 and since then he is in possession over there. The name of the present applicant is recorded in the revenue record on the basis of the aforementioned registered sale deed dated 29.8.2008. The complainant, in collusion with Rishipal in whose institution he is working as Class-IV employee, has tried to grab the property of the present applicant by creating undue pressure so that the applicant may leave the said property. It is next submitted that no case under SC/ST Act is made out inasmuch as there is nothing on the record to demonstrate that such incident took place in the 'public view'.

6. The matter requires consideration.

7. Opposite Party No. 1, State is represented through learned AGA. None appears on behalf of Opposite Party No. 2 despite the service of notice.

8. List this matter on 27.11.2024 along with the record of Criminal Misc. Application under section 482 No. 9693 of 2024, Yogesh and 5 others vs. State of U.P. and another.

9. In the meantime, parties shall exchange their respective affidavits, if any.

10. Until further orders of this Court, further proceedings, against the applicant in the aforementioned case, shall remain stayed."

4. Then on 23.3.2026 on the submission of learned counsel for the State as recorded in para-3 of the order, the Senior Superintendent of Police, Aligarh was directed to file his personal affidavit within ten days explaining why he has not responded to the order of this Court dated 16.10.2024. The following order was passed on the said date:-

"1. List revised.

2. Heard Shri Shreyansh Agarwal, learned counsel for the applicant and Shri Virendra Pratap Singh, learned AGA for the State and perused the records.

3. Learned AGA submits that despite his letter dated 3.10.2024 addressed to the Senior Superintendent of Police, Aligarh, for compliance of order dated 16.10.2024 of this Court, no one has turned up to file the required counter affidavit.

4. This fact is not acceptable.

5. Let the Senior Superintendent of Police, Aligarh file his personal affidavit before this Court within a period of 10 days explaining why he hasn't responded to the order of this Court dated 16.10.2024.

6. Registrar (Compliance) is directed to communicate this order to the Director General of Police, Lucknow, Uttar Pradesh, for necessary compliance, forthwith.

7. Let the matter be listed on 6.4.2026.

8. Interim order, if any, shall remain in currency till the next date of listing."

5. The said order was also directed to be communicated to the D.G.P., Lucknow, Uttar Pradesh for necessary compliance of the same.

6. Learned A.G.A. submits that he has still not received any instructions and one one has turned up for compliance of the orders dated 16.10.2024 and 23.3.2026.

7. This is contemptuous. Even despite transmission of order dated 23.3.2026 to the D.G.P., Lucknow, U.P. no action has been taken for compliance of both the aforesaid orders.

8. Let the Senior Superintendent of Police, Aligarh, appear in person before this Court on 13.4.2026 and explain as to why both the aforesaid orders have not been complied with and why his personal affidavit and explanation have not been filed till date. This order shall again be communicated by the Registrar (Compliance) to the D.G.P., Lucknow, U.P. to be brought to his knowledge about misconduct of the said officer. The D.G.P. shall also take steps at his end for the said contemptuous act and dereliction by the officer concerned and inform this Court about action taken by him.

9. Registrar (Compliance) to communicate this order to Senior Superintendent of Police, Aligarh and the D.G.P., Lucknow, U.P. for compliance within 48 hours.

10. Learned A.G.A. shall also communicate this order to the said officers for necessary compliance within the said period.

11. Let the matter be listed on 13.4.2026 along with connected matter.

12. Interim order, if any, shall remain in currency till the next date of listing.

(Samit Gopal,J.)

April 6, 2026
Naresh