



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 30619 of 2025

Kailash And 3 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Ajay Kumar Pandey, Jaideep Tripathi
Counsel for Opposite Party(s) : G.A.

Court No. - 19

HON'BLE SANJIV KUMAR, J.

Heard learned counsel for the applicants, learned AGA on behalf of the State and perused the record.

This application under Section 528 B.N.S.S. has been filed on behalf of the applicants with the prayer to quash charge-sheet no. 30 of 2025 dated 14.03.2025, summoning order dated 19.04.2025 as well as entire proceedings of Case No. 221 of 2025 (State Vs. Kailash and others), arising out of Case Crime No. 42 of 2025, under Sections 115(2), 351(2), 352 BNS, Police Station Mau, District Chitrakoot, pending in the court of learned Judicial Magistrate, Mau, Chitrakoot.

Brief facts of the case are that opposite party no.2, Nirsiya, lodged an FIR against the applicants alleging that on 15.12.2024, between 09:30 and 10:00 a.m., she was assaulted with fists and kicks, resulting in injury to her tooth. It is further alleged that she was abused and threatened with dire consequences. On the basis of said FIR, investigation was carried out and, upon completion thereof, charge-sheet has been filed in the competent court.

Learned counsel for the applicants has submitted that the FIR was lodged on false and concocted facts and the injury report as well as statement of victim do not support the prosecution case. It is further submitted that prior to the alleged incident, an FIR was lodged by the second applicant, Bhuvneshwar @ Ram Salone, against the grandson of the first informant alleging commission of the offence of rape upon his daughter. When the

applicants opposed the bail application in the said case, the instant FIR has been lodged with *mala fide* intention on false and concocted facts, as such, the entire proceedings are liable to be quashed.

Learned AGA has opposed the aforesaid prayer and submitted that the statement of the first informant as well as the medical report support the incident, and after investigation charge-sheet has been filed in the competent court.

This Court is of the view that the points raised by learned counsel for the applicants are a matter of inquiry, which could be raised during the course of trial.

Issue notice to opposite party no.2 returnable within three weeks.

Both opposite parties may file their respective counter affidavits, if any, within a week.

Put up, as fresh, on 24.02.2026.

(Sanjiv Kumar,J.)

January 27, 2026

Subham