

Court No. - 74

Case :- APPLICATION U/S 528 BNSS No. - 30879 of 2025

Applicant :- Pankaj

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Anil Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Sanjay Kumar Pachori,J.

Heard Shri Anil Kumar Singh, learned counsel for the applicant and Shri Abhishek Kumar, learned A.G.A. for the State.

The present application under Section 528 of Bhartiya Nagrik Suraksha Sanhita, 2023 has been filed to quash the entire proceedings of complaint case No. 17197 of 2023 as well as cognizance/summoning order dated 9.9.2024, whereby learned Magistrate took cognizance under Sections 323, 504, I.P.C., Police Station Shahganj, District Agra, pending in the court of Additional Chief Judicial Magistrate, Court No. 6, Agra.

Learned counsel for the applicant submits that the complaint dated 5.4.2023 with regard to incident dated 20.3.2023 has been filed on the basis of false and frivolous allegations with ulterior motive and only to harass the present applicant. It is further submitted that the impugned complaint has been filed as a counter blast case of case crime No. 429 of 2021, which has been registered on 3.10.2021, under Sections 406, 504, 506, I.P.C. It is further submitted that one complaint under Section 138 of Negotiable Instruments Act has been decided by the judgment and order dated 25.7.2025 and thereafter, one appeal is pending between the parties. It is further submitted that there is no medical examination report to substantiate the allegation of complaint. It is further submitted that the complainant converted the civil dispute into a criminal case.

Prima facie, matter requires consideration.

Learned A.G.A. has accepted notice on behalf of opposite party No. 1.

Issue notice to opposite party no.2 returnable at an early date.

Opposite party no. 2 may file counter affidavit within three weeks. Rejoinder affidavit may be filed within one week thereafter.

List after eight weeks.

Until further orders of this Court, further proceedings of the aforesaid case shall remain stayed against the applicant.

Order Date :- 21.8.2025

T. Sinha