



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 33190 of 2025

Chandan Kumar Chaurasiya

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Ashutosh Kumar Pandey
Counsel for Opposite Party(s) : G.A.

Court No. - 89

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Shri Ashutosh Kumar Pandey, learned counsel for the applicant and Ms Seema, learned A.G.A. for the State.
2. The present application U/S 528 BNSS has been filed with prayer to quash the entire proceedings of Sessions Trial No.127 of 2024 (State Vs. Chandan Chaurasia), arising out of Case Crime No.304 of 2024, under Sections 376, 354, 324 IPC, P.S. Madhuban, District Mau, pending in the Court of learned Additional Sessions Judge/ F.T.C.-Ist, Mau.
3. It is contended by learned counsel for the applicant that the present prosecution is an abuse of the process of the Court. It is further contended that initially, the first information report was lodged under Sections 354, 324 IPC against applicant and the victim in her statement recorded under Sections 180 BNSS has not made any statement regarding commission of rape. It is further submitted that the applicant is in constant touch with opposite party no.2 for about two months. It is further submitted that the victim in her statement under Section 183 BNSS has levelled the allegation of rape by the applicant.
4. On the other hand, learned AGA submits that the victim has herself stated in her statement under Section 164 Cr.P.C. that the accused applicant committed rape on her.
5. Considering the facts and circumstances of the case and the nature of allegations made against the applicant, a *prima facie* case is made out.
6. *Prima facie*, matter requires consideration.

7. Issue notice to opposite party no.2 returnable at an early date.
8. The opposite parties may file their counter affidavit within four weeks.
9. Rejoinder affidavit may thereafter be filed within two weeks.
10. List this case after six weeks as fresh.

September 24, 2025

RKM

(Jitendra Kumar Sinha,J.)