



2026:AHC:29869

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 33227 of 2025

Deepak Sharma

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

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

Court No. - 84

HON'BLE SANJIV KUMAR, J.

1. Heard Shri Sarvesh Kumar Pandey, learned counsel for the applicant and learned A.G.A. for the State.

2. The present application under Section 528 of Bhartiya Nagrik Suraksha Sanhita, 2023 has been filed by the applicant to quash the entire proceedings of Criminal Case No.107710 of 2024 (State Vs. Ashish Awasthi and others) arising out of Case Crime No.0372 of 2024, under Sections 386, 504, 506, I.P.C., Police Station- Naubasta, District Kanpur Nagar as well as charge-sheet dated 02.12.2024 and cognizance/summoning order dated 7.2.2025.

3. Learned Counsel for the applicant submits that the present FIR has been lodged on false and concocted facts. The FIR does not disclose the date, time or place of the alleged incident and it has been lodged after a delay of three months without any explanation for such delay. He further submits that two criminal cases were earlier lodged by the co-accused against opposite party No.2, the first informant, and on being annoyed, the present FIR has been lodged with an ulterior motive. He also submits that the co-accused has filed Application (U/S 528 BNSS) No. 15743 of 2025, in which, the proceedings of the case were stayed by this Court vide order dated 15.05.2025.

4. *Prima facie*, matter requires consideration.

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

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

7. Learned A.G.A. as well as opposite party no.2 may file their counter

affidavits within three weeks. Rejoinder affidavit may be filed within one week thereafter.

8. List this case on **08.04.2026** before appropriate Bench along with Application (U/S 528 BNSS) Nos. 15743 of 2025 and 18982 of 2025.

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

February 11, 2026
Amit

(Sanjiv Kumar,J.)