



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 33620 of 2025

Radhey Yadav Alias Radhey Singh

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

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

Court No. - 74

HON'BLE SANJAY KUMAR PACHORI, J.

Heard Shri Rahul Pandey, learned counsel for the applicants and Shri Kamlesh Singh, learned A.G.A. for the State.

The present application under Section 528 of Bharatiya Nagarik Suraksha Sanhita has been filed to quash the entire proceedings of Complaint Case No. 19664 of 2023, as well as cognizance/ summoning order dated 24.06.2025 by which the learned Magistrate took cognizance under Section-420 of I.P.C., Police Station- Kalyanpur District Fatehpur pending in the court of Additional Chief Judicial Magistrate, Court No.3, Fatehpur.

Learned counsel for the applicants submits that the complaint dated 20.05.2023 with regard to incident dated 06.06.2017 has been filed on the basis of false and frivolous allegations with ulterior motive and only to harass the present applicants. It is further submitted that that first informant converted the civil dispute into a criminal case. It is further submitted that there is no pre-summoning evidence with regard to allegation of breach of terms and condition of contract between the partnership.

Prima facie, matter requires consideration.

Notice on behalf of opposite party no. 1 has been accepted by learned A.G.A.

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

Opposite party no. 2 may file counter affidavit within two

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 applicants.

September 3, 2025
S.K.

(Sanjay Kumar Pachori,J.)