



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 37210 of 2025

Amit Agrawal

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Digvijay Singh, Surendra Kumar
Tripathi

Counsel for Opposite Party(s) : G.A.

Court No. - 75

HON'BLE SANJAY KUMAR PACHORI, J.

Heard Shri Surendra Kumar Tripathi, learned counsel for the applicant and Sri Karunakar Singh, learned A.G.A. for the State.

The present application under Section 528 of BNSS has been filed to quash the entire proceedings of Criminal Case No. 56099 of 2025, arising out of Case Crime No. 03 of 2024, under Section 406 of IPC, Police Station- Govind Nagar, District- Mathura as well as cognizance/ summoning order dated 21.07.2025, pending in the Court of Judicial Magistrate, Court No. 2, Mathura.

Learned counsel for the applicant submits that the impugned first information report dated 05.01.2024 has been lodged on the basis of false and frivolous allegations with ulterior motive and only to harass the present applicant. It is further submitted that as per allegation of FIR, all the allegations are related to purely civil dispute with regard to breach of terms of contract to sell a house. It is further submitted that in this regard a civil suit being Original Suit No. 55 of 2024 (Mukesh Kumar Agrawal and others vs. Amit Agrawal) for a decree of recovery of money is pending between the parties. It is further submitted that cognizance order has been passed without applying the judicial mind. It is further submitted that the first informant has converted a civil dispute into a criminal case.

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.

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

November 13, 2025

MAA/-

(Sanjay Kumar Pachori,J.)