



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 40506 of 2025

Vivek Kumar Gupta And 2 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Anuj Datta, Shive Datta Yadav
Counsel for Opposite Party(s)	:	G.A., Vinay Kumar Pandey

Court No. - 80

HON'BLE CHAWAN PRAKASH, J.

1. Heard learned counsel for the applicants, learned A.G.A. and learned counsel for opposite party no.2 and perused the record.
2. The present application under Section 528 B.N.S.S. has been filed for quashing the summoning order dated 03.04.2024 and 14.11.2024 passed by Metropolitan Magistrate Court No.3, Kanpur Nagar in Complaint Case No.3169 of 2022 (old complaint case no.4171 of 2021) - Raj Bala Gupta Vs. Vivek Kumar Gupta and others under Sections 467, 468 and 471 I.P.C. Police Station Kotwali, District Kanpur Nagar and order dated 07.08.2025 passed by Additional Sessions Judge, Court no.8, Kanpur Nagar in Criminal Revision No.667 of 2024 (Smt. Poonam Gupta and others Vs. State of U.P. and others) as well as entire proceedings of complaint case no.3169 of 2022.
3. It is submitted by learned counsel for applicants that the opposite party no.2 has filed a complaint against the applicants in which she got herself examined u/s 200 Cr.P.C. and her witnesses u/s 202 Cr.P.C. The learned Magistrate has summoned the applicants to face trial. During the pendency of the said application, the applicant no.1 Vivek Kumar Gupta has been arrested whereas NBWs are issued against applicants no.2 and 3.
4. It is submitted that the present complaint has been filed against wrong facts. The learned Court has summoned the applicants without considering the entire facts. It is submitted that the interim order may kindly be quashed.
5. *Per contra*, it is submitted by learned counsel for opposite party no.2 that

the learned Magistrate has not committed any illegality in passing of the impugned summoning order and the learned Sessions Judge has rightly dismissed the criminal revision. It is further submitted that applicant no.1 Vivek Kumar Gupta has been arrested.

6. As per the facts of the case, a complaint was filed by opposite party no.2 against the applicants, she got herself examined u/s 200 Cr.P.C. and her witnesses u/s 202 Cr.P.C. The learned Magistrate had summoned the applicants to face trial u/s 467, 468 and 471 I.P.C. It is admitted by both the parties that applicant no.1 has been arrested and NBWs against applicant nos.2 and 3 are in process.

7. Hence considering the facts of the case and without commenting on the merits of the case, the impugned summoning order dated 03.04.2024 and order dated 14.11.2024 passed by Metropolitan Magistrate Court No.3, Kanpur Nagar in Complaint Case No.3169 of 2022 is **stayed** till the next date of listing.

8. Learned counsel for the opposite party no.2 is granted two weeks' time for filing counter affidavit. One week thereafter is allowed to the applicants for filing rejoinder affidavit.

9. List this case as fresh on 16.03.2026.

February 16, 2026
VS

(Chawan Prakash,J.)