



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 42611 of 2025

Rambabu

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Dileep Kumar Vishwakarma
Counsel for Opposite Party(s)	:	G.A.

Court No. - 76

HON'BLE SANJAY KUMAR PACHORI, J.

Sri Dileep Kumar Vishwakarma, learned counsel for the applicant and Sri Madhvendra Pratap Singh, learned A.G.A. for the State are present.

The present application under Section 528 of Bharatiya Nagarik Suraksha Sanhita has been filed to quash the entire proceedings of Criminal Case No. 75395 of 2024, arising out of Case Crime No. 331 of 2022, under Sections 420, 448 IPC and Section 3/4 of Prevention of Damages to Public Property Act, P.S. Noubasta, District Kanpur Nagar as well as cognizance/summoning order dated 30.08.2024, pending in the court of Special Chief Judicial Magistrate, Kanpur Nagar.

Learned counsel for the applicant submitted that impugned FIR dated 25.04.2022 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 no notice has been served or issued under Section 441, I.P.C. (as amended by State Amendment Act No. 31 of 1961) prior to lodging of the FIR under Section 448 of IPC. It is further submitted that as per allegations of FIR, all the allegations are related to purely civil dispute. First informant 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 private opposite party no. 2 through C.J.M. concerned,

returnable at an early date.

Learned A.G.A. as well as private opposite party no. 2 may file a counter affidavit within three weeks.

Rejoinder affidavit may thereafter be filed within one week.

List this case after eight weeks.

Until further orders, further proceedings of aforesaid case shall remain stayed against the applicant.

March 26, 2026

MAA/-

(Sanjay Kumar Pachori,J.)