



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 45605 of 2025

Rajat Kuchal

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Sudhir Kumar Agarwal
Counsel for Opposite Party(s)	:	G.A.

Court No. - 74

HON'BLE DEEPAK VERMA, J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State.
2. The present 528 BNSS application has been filed to quash the entire criminal proceedings in Complaint Case No. 98 of 2023, Ganpati Steels Wholesale Vs. Markari Industries and another, under Section 406 I.P.C., Police Station Kotwali Nagar, District Muzaffar Nagar, pending in the Court of Civil Judge (Junior Division)/ F.T.C. Court No.2, Muzaffar Nagar as well as summoning order dated 03.10.2024 passed by the Civil Judge (Junior Division)/ F.T.C. Court No.2, Muzaffar Nagar.
3. Learned counsel for the applicant submits that applicant and opposite party No.2 engaged in business transaction, which is apparent from perusal of complaint and dispute between applicant and opposite party No.2 in regard to non payment of the goods. It is civil nature dispute. No criminal offence is made out. Instant complaint lodged with malice intention and only to harass the applicant. Summoning order is abuse of process of law. He therefore submits, no prosecution could proceed against the applicant, in such circumstances.
4. Matter requires consideration.
5. Notice on behalf of opposite party no. 1 has been accepted by learned A.G.A.

6. Issue notice to opposite party no.2 returnable at an early date.
7. Opposite parties may file their counter affidavits within six weeks. Rejoinder affidavit may be filed within two weeks thereafter.
8. List thereafter.
9. Till the next date of listing, no coercive action shall be taken against the applicant in Complaint Case No. 98 of 2023, under Section 406 I.P.C., Police Station Kotwali Nagar, District Muzaffar Nagar, pending in the Court of Civil Judge (Junior Division)/ F.T.C. Court No.2, Muzaffar Nagar.

(Deepak Verma,J.)

November 26, 2025

Nitin Verma