



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 47548 of 2025

Virendra Gupta And Another

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Dhirendra Pratap Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 79

HON'BLE AVNISH SAXENA, J.

1. Heard Sri Dhirendra Pratap Singh, learned counsel for accused applicants and learned AGA for State.
2. The instant application under Section 528 BNSS has been filed by applicant to quash the impugned summoning order dated 21.08.2025 and entire proceedings of Case Crime No. 81/2025 (Virendra and another Vs. State of U.P.), under Sections 115(2), 352, 351(3) of BNS, P.S.- Sikri Ganj, District- Gorakhpur, pending in the court of Judicial Magistrate 2nd Gorakhpur.
3. It is contended by learned counsel for applicants that the incident is of 02.03.2025. There was a work of drain in front of the house of opposite party no. 2 which was continued by the contractor when the accused applicants were stated to have arrived on the place of incident and started hurling abuses and beaten the opposite party no. 2 and other persons. It is submitted that the first FIR has been lodged by accused applicant against opposite party no. 2 and his family members which was registered prior to the registration of the present FIR. There is cross case and cross fight. Hence, seeks interference of this Court.
4. Learned A.G.A. for State seeks time to file counter affidavit.
5. Issue notice to opposite party no. 2 returnable at an early date.
6. List on **21.05.2026**.

7. In the meantime, parties may exchange affidavits.

8. Considering the argument raised by learned counsel for accused applicants, further proceeding of the aforementioned case is **stayed** qua the applicants.

(Avnish Saxena,J.)

April 10, 2026
Sharad/-