



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 47948 of 2025

Sandeep Yadav

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Ajeet Shukla
Counsel for Opposite Party(s)	:	G.A.

Court No. - 81

HON'BLE AVNISH SAXENA, J.

1. Sri Ajeet Shukla, learned counsel for the accused-applicant and learned A.G.A. for the State are present.
2. Learned counsel for the accused-applicant submits that the F.I.R. of rape and forceful abortion has been lodged by opposite party no.2 against the accused-applicant on 01.05.2023. It is alleged in the F.I.R. that the accused-applicant and opposite party no.2 were in relationship since last four years. They had physical relation, but the accused-applicant has refused to marry her, which led to the lodging of the F.I.R. The learned counsel has drawn the attention of this Court towards the statement recorded by the opposite party no.2 under Section 164 Cr.P.C., wherein no allegation of rape has been lodged. The only allegation against the accused is that he does not want to marry her and his family also restrained him to marry. Hence, seeks interference of this Court to quash the charge sheet and the proceedings.
3. Learned A.G.A. accepts notice for the State.
4. Issue notice to opposite party no.2 returnable at an early date.
5. List on 06.02.2026.
6. In the meantime, the parties may exchange affidavits.
7. Considering the lodging of F.I.R. merely because of the fact that the applicant has refused to marry opposite party no.2 and there is no

allegation of rape mentioned in the statement of Section 164 Cr.P.C., further proceedings Case No.4303 of 2025 (State Vs. Sandeep Yadav), arising out of Case Crime No.138 of 2023, under Sections 376, 504, 506 I.P.C., Police Station Maharajganj, District Azamgarh, pending before the court of Additional Chief Judicial Magistrate, Court No.11, Azamgarh, is stayed.

(Avnish Saxena,J.)

December 3, 2025

Shivangi