



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 48690 of 2025

Ramanuj Tripathi

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Punit Kumar Gupta
Counsel for Opposite Party(s)	:	G.A.

Court No. - 84

HON'BLE SANJIV KUMAR, J.

Heard Mr. Punit Kumar Gupta, learned counsel for the applicant, learned AGA on behalf of the State and perused the record.

This application u/s 528 BNSS has been filed by the applicants with the prayer to quash charge-sheet dated 22.09.2000, cognizance order dated 12.09.2021 as well as entire proceedings of Criminal Case No. 3138/IX of 2001 (State Vs. Ram Vishal and others) arising out of Case Crime No. 77 of 1998, under Sections 409 IPC, Police Station Jaspur, District Banda, pending in the court of learned Chief Judicial Magistrate, Banda.

Learned counsel for the applicant submits that the allegation against the applicant pertains to embezzlement and criminal misappropriation of public fund, while being posted as *Gram Panchayat Adhikari*. It is submitted that FIR was lodged on the basis of a letter issued by D.P.R.O. However, the order dated 07.10.1998, under which the said letter was issued, was quashed by this Court in Civil Misc. Writ Petition No. 34712 of 1998 (Ram Vishal Vs. State of U.P. and others), vide order dated 30.10.1998.

Learned counsel for the applicant next submits that after the said order was quashed, an order was passed by D.P.R.O., Banda on 28.10.1999, whereby all the further proceedings were stayed and a copy was forwarded to Station Officer, Jaspura to stay further proceedings under the FIR and return the documents. It is further submitted that no sanction was taken for prosecution under Section 197 Cr.P.C., therefore, the entire

proceedings amounts to abuse of process of law and liable to be quashed.

Matter requires consideration.

Issue notice to opposite party no.2.

Opposite party no.2 and learned AGA may file counter affidavits, if any, within two weeks.

List on 15.04.2026.

Till the next date of listing, further proceedings of the aforesaid case shall remain stayed.

(Sanjiv Kumar,J.)

February 19, 2026

Subham