



2026:AHC:87341

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 48248 of 2025

Mohd. Arshad And 3 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Abhishek Dwivedi, Farooq Qamar Khan, Mohammad Belal, Nafees Ahmad
Counsel for Opposite Party(s)	:	Atal Bihari Tripathi, Shyam Kishore Tripathi, G.A.

Court No. - 74

HON'BLE DEEPAK VERMA, J.

1. Heard learned counsel for the applicants, learned counsel for the opposite party no.2 and learned A.G.A for the State.

2. This 528 B.N.S.S. application has been filed by the applicants for quashing the entire criminal proceeding in Complaint Case No.1183 of 2024 (Afsana Khan vs. Mohd.Arshad and others), under section 12 of the Protection of Women From Domestic Violence Act, 2005, Police Station Bhoganipur, District Kanpur Dehat, pending in the court of learned Civil Judge (Senior Division)/Judicial Magistrate, F.T.C. (Crime against Women), Kanpur Nagar.

3. Learned counsel for the applicants submits that the opposite party no.2 lodged proceeding under section 12 Domestic Violence Act against the applicants, is malice prosecution only to harass the applicants. Applicant No.1 is husband and applicant nos. 2 to 4 are in-laws of opposite party no.2. Prima-facie no offence under alleged section is made out against the applicants. Issuance of notice by learned magistrate is without application of judicial mind. It is alleged in the complaint that opposite party no.2 marriage was solemnized with the applicant no.1 in the year 2024 thereafter, on account of some domestic dispute, opposite party no.2 was ousted from her matrimonial house, then present complaint has lodged.

4. Learned AGA and learned counsel for the opposite party no.2 vehemently opposed the submission raised by learned counsel for the

applicants and submitted that earlier notice was issued against the applicants and applicants should appear before the trial court and may file objection there.

5. Considered the argument raised by learned counsel for the applicants and perused the record. From the record, it is admitted fact that opposite party no.2 is legally wedded wife of applicant no.1 and after marriage she lived with the applicants. Thereafter on account of some domestic dispute, present complaint has lodged and only notice has been issued against the applicants and applicants have challenged the notice. From perusal of complaint under section 12 of Domestic Violence Act, prima-facie offence disclose against the applicants. Notice issued by learned magistrate is just and proper. Moreover, applicants have remedy to file objection before magistrate. Prayer for quashing the complaint is, hereby, refused. However, if applicants file objection before trial court, same shall be decided after hearing the parties expeditiously in accordance with law.

6. With these observations, the application u/s 528 B.N.S.S. is **disposed of**.

April 20, 2026
SKD

(Deepak Verma,J.)