



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 51752 of 2025

Vijay Kumar Singh Alias Sattar Singh

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Pramod Kumar Panday, Sharad
Chandra, Shyam Singh

Counsel for Opposite Party(s) : G.A.

Court No. - 77

HON'BLE PRAVEEN KUMAR GIRI, J.

1. Heard learned counsel for the applicant and learned AGA for the State.
2. Learned counsel for the applicant filed present application for the relief which has been mentioned in the prayer clause. The prayer clause is quoted below:-

"It is therefore most respectfully prayed that this Hon'ble Court may kindly be pleased to quash impugned cognizance/summoning order dated 12.08.2021 as well as Charge Sheet No.01 of 2018 dated 11.05.2018 registered as Special Sessions Trial No.835 of 2021 (State v. Dharendra Singh and others) pending before the Court of learned Special/Additional Judge (SC/ST Act), Varanasi, arising out of Case Crime No.326 of 2018, under Sections 325, 323, 504 I.P.C. and Section 3(1)(r), 3(1)(s) SC and ST Act, Police Station Badagon, District Varanasi. It is further prayed that this Hon'ble Court may kindly be pleased to stay the proceedings of the Special Trial No.835 of 2021 (State v. Dharendra Singh and others) pending before the Court of learned Special/Additional Judge (SC/ST Act), Varanasi, arising out of Case Crime No.326 of 2018, under Sections 325, 323, 504 I.P.C. and 3(1)(r), 3(1)(s) SC and ST Act, Police Station Badagaon, District Varanasi, otherwise the applicants shall suffer irreparable loss and injury and/or may pass such other and further order which this Hon'ble court may deem fit and proper under the facts and circumstances of this case."

3. Shri Pramod Kumar Pandey, learned counsel for the applicant submits that against 10 persons, first information report was lodged on 11.05.2018 as Case Crime No.326 of 2018, under Sections 395 I.P.C. and Sections

3(1)(da), 3(1)(dha), 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Learned counsel for the applicant further submits that after investigation only charge-sheet has been filed against four accused persons, namely, Dharendra Singh, Rakesh Singh, Aakash Singh and Vijay Kumar Singh alias Sattar Singh (applicant) under Sections 323, 325, 504 I.P.C. and Section 3(1)(da)(dha) of SC/ST Act. Learned counsel for the applicant further submits that co-accused Aakash Singh has already filed an Application u/s 528 BNSS No. 24266 of 2025 (Akash Singh v. State of U.P. and another) and the Co-ordinate Bench of this Court vide order dated 16.09.2025 stayed the further proceedings of the trial court case until further orders.

4. This Court taking help of judicial discipline also passing the same order in respect of the present applicant-accused, the order passed by Co-ordinate Bench dated 16.09.2025 is being quoted below:

- "1. As per the compliance affidavit filed by learned A.G.A., notice is served upon opposite party No. 2. However, despite service of notice, no one has put in appearance on his behalf.*
- 2. Learned counsel for the applicant has filed a copy of supplementary affidavit, today in court, which is taken on record. Office is directed to proceed accordingly.*
- 3. Heard learned counsel for the applicants as well as learned A.G.A. for the State.*
- 4. Applicant has invoked the inherent jurisdiction of this Court under Section 528 B.N.S.S. for quashing the cognizance and summoning order dated 12.08.2021 passed by the court of learned Special/Exclusive Judge (SC/ST Act), Varanasi in Special Sessions Trial No. 835 of 2021 (State Vs. Dharendra Singh and Others), arising out of Case Crime No. 326 of 2018 u/s 323, 504, 325 I.P.C. and 3(1)(r) and 3(1)(s) of S.C./S.T. Act, P.S.- Badagaon, District- Varanasi as well as charge-sheet dated 24.06.2018 along withailable warrants dated 18.03.2023 and entire consequential proceedings of the above mentioned case.*
- 5. It is submitted that even if the F.I.R. is taken at its face value to be true, no case is made out against the applicant under the S.C./S.T. Act. Mere allegation has been made that the accused has used the caste related words and abused the O.P. No.2. There is no averment that as to what caste-based slur has been uttered against the first informant. Independent witnesses, namely, Surendra Vishwakarma, Mahendra Vishwakarma, Rahul Tiwari, Shambhu Yadav and Ramesh Kumar Patel have negated the case of hurling the caste-based slurs against the O.P. No.2 at the place of occurrence of the offence. It is next submitted that there is nothing on the record to suggest that O.P. No.2 has been subjected to atrocity and intentional insult because of his caste being a person belonging to the SC/ST community.*
- 6. Prima facie, matter requires consideration, so far as it relates to the offence under the S.C./S.T. Act.*
- 7. List this matter on 15.11.2025.*

8. *In the meantime, both the parties shall exchange their respective affidavits, if any.*

9. *Until further orders of this court, further proceedings against the present applicant, in the aforementioned case, so far as it relates to Section 3(1)(r) and 3(1)(s) of the S.C./S.T. Act, shall remain stayed.*

10. *However, it is made clear that further proceedings against the applicant in remaining offence u/s 323, 504, 325 I.P.C., in the aforementioned case, shall continue."*

5. Issue notice to opposite party No.2 for filing counter affidavit within two weeks.

6. Until further order of this Court, the further proceedings of Special Sessions Trial No.835 of 2021 (State v. Dharendra Singh and others), arising out of Case Crime No.326 of 2018, under Sections 325, 323, 504 I.P.C. and Section 3(1)(r) and Section 3 (1)(s) of the SC/ST Act, Police Station Badagaon, District Varanasi, pending in the Court of Special Judge (SC/ST Act), Varanasi shall remain stated.

7. List and connect along with **Application u/s 528 No.24266 of 2025 (Aakash v. State of U.P and another)** on **22.01.2026** as fresh.

8. The Chief Judicial Magistrate concerned is directed to serve a copy of this order upon the opposite party no.2 through the concerned police station

9. The learned A.G.A. is also directed to communicate this order to the opposite party no.2, through Commissioner of Police, Varanasi.

(Praveen Kumar Giri,J.)

January 7, 2026

A.N. Mishra