



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 49971 of 2025

Balwant Yadav

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Vikalp Kumar Rai, Vivek
Chaturvedi

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

Court No. - 81

HON'BLE AVNISH SAXENA, J.

1. Sri Vivek Chaturvedi, 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 opposite party no.2 has lodged a false and frivolous F.I.R. against the accused-applicant for committing rape and intention to murder in the year 2021. It is alleged in the F.I.R. that the opposite party no.2 is a married woman, having children. She was not in good terms with her husband. The accused-applicant has taken the opposite party no.2 to Gorakhpur, where he got her service and provided a rented accommodation, where the accused-applicant used to visit and once he has committed rape on her on 03.03.2021. He submits that there is inconsistent statement of victim recorded under Section 161 and 164 Cr.P.C. He submits that the opposite party no.2 has also lodged another F.I.R. registered for the committal of sexual intercourse with her. Hence, seeks interference of this Court to quash the charge sheet and the proceedings.

3. Learned A.G.A. for State seeks time to file counter affidavit.

4. Issue notice to opposite party no.2 returnable at an early

date.

5. List on 02.02.2026, as fresh.

6. In the meantime, the parties may exchange affidavits.

(Avnish Saxena,J.)

December 15, 2025

Shivangi