



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 51865 of 2025

Tahir

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Anil Kumar Mishra
Counsel for Opposite Party(s) : G.A.

Court No. - 74

HON'BLE SANJAY KUMAR PACHORI, J.

Heard Shri Anil Kumar Mishra, learned counsel for the applicant and Shri Manoj Kumar Singh, learned A.G.A. for the State.

The present application under Section 528 of Bhartiya Nagrik Suraksha Sanhita, 2023 has been filed by the applicant to quash the entire proceedings of criminal case No. 2792 of 2021, arising out of case crime No. 116 of 2021, under Sections 420, 467, 468, 471, I.P.C., Police Station- Kotwali, District Rampur as well as cognizance/summoning order dated 4.12.2021, pending in the court of Additional Chief Judicial Magistrate, Court No. 1, Rampur.

Learned counsel for the applicant submits that the first information report dated 5.6.2021 has been lodged by police personnel on the basis of false and frivolous allegations with ulterior motive and only to harass the present applicant. It is further submitted that name of the applicant has been mentioned on the basis of confessional statement of arrested co-accused person Rahis (which is irrelevant). It is further submitted that except the confessional statement of arrested co-accused person, there is no pre-summoning evidence with regard to offence, as alleged, against the applicant.

Prima facie, matter requires consideration.

Learned A.G.A. has accepted notice on behalf of opposite party No. 1.

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

Learned A.G.A. as well as opposite party no. 2 may file their counter affidavits within three weeks. Rejoinder affidavit may be filed within one

week thereafter.

List after eight weeks.

Until further orders of this Court, further proceedings of the aforesaid case shall remain stayed against the applicant.

February 16, 2026
T. Sinha

(Sanjay Kumar Pachori,J.)