2026:AHC:187771

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 23015 of 2026

Mohd Aslam Khan

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Syed Ali Imam
Counsel for Opposite Party(s)	:	Akanksha Gaur, G.A.

Court No. - 79

HON'BLE SAURABH SRIVASTAVA, J.

1. Heard learned counsel for applicant as well as learned counsel for opposite party No.2 and learned A.G.A. for State.

2.The present application has been filed for seeking quashing of charge-sheet dated 31.10.2025, cognizance/summoning order dated 09.01.2026 arising out of Case Crime No.239 of 2025, Crl. Case No.202 of 2026, under sections 354A, 354C, 509 IPC, P.S. Dhaulana, District Hapur, pending in the court of learned Chief Judicial Magistrate, Hapur.

3. Specific question put forward before learned counsel appearing on behalf of opposite party No.2 that what cause of action arises in favour of opposite party No.2 for lodging FIR which has been registered as Case Crime No.239 of 2025.

4. Mrs. Akanksha Gaur, learned counsel for opposite party No.2 sought attention of this Court upon page number 21 of supplementary affidavit which is the operative paragraph of the inquiry report submitted by Committee before concerned District Magistrate, wherein in concluding paragraph of inquiry report liberty extended in favour of opposite party No.2 for lodging FIR against the applicant.

5. After careful consideration of the narration of the FIR it is crystal clear that entire atrocity whatsoever has been carried out by applicant against opposite party No.2 has been mentioned in detailed, wherein departmental inquiry has already been taken up and the applicant has been found guilty of the same, but unfortunately no action has been initiated against applicant or

certain action which has been initiated against the applicant are very lessor in terms of the offence or illegalities carried out by the applicant.

6. Learned counsel for the applicant submitted that the incident was nothing but an attempt by the subordinate teacher to settle scores with the Headmaster, i.e., the applicant., but at the same time investigation which has been carried out by concerned Investigating Officer culminated into preferring chargesheet alongwith documents appended at the time of lodging FIR culminated into chargesheet and whereupon cognizance of offence has been taken up under the trite law which is enunciated in catena of judgment by the Apex Court that at the stage of taking cognizance, the only aspect which has to be considered by learned court concerned to see whether the offence is prima facie made out or not and the same has been dealt with in a proper manner in the instant matter and as such no interference is required.

7. On perusal of the narration of FIR as well as impugned order and charge-sheet, this Court does not find it to be a case where interference of this Court is required. No such ground appears to be available in the present application, on the basis of which, impugned order along with charge-sheet and entire criminal proceedings of the said case, can be set aside.

8. Accordingly, the prayer sought through the instant application, is refused.

9. Lastly, learned counsel for applicant submitted that liberty may be granted to applicant to appear before the court concerned and apply for bail to which learned AGA has no objection.

10. In view of the aforesaid, the instant application is finally **disposed of** with a direction to the court concerned that in case, the applicant surrender before the court concerned within a period of three weeks from today and apply for bail, his bail application shall be considered and decided expeditiously in accordance with law.

11. However, it is made clear that till three weeks from today, no coercive action shall be taken against applicant herein in pursuance of the aforesaid case.

September 8, 2026
Ashish/-

(Saurabh Srivastava,J.)

Digitally signed by :-
ASHISH KUMAR SINGH
High Court of Judicature at Allahabad