2026:AHC:189021

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 31952 of 2026

Nabab

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Sunil Kumar Dubey
Counsel for Opposite Party(s)	:	G.A.

Court No. - 79

HON'BLE SAURABH SRIVASTAVA, J.

1. Heard learned counsel for parties.

2. Present application has been preferred with prayer to quash entire proceeding of Case no. 1925 of 2010 (State vs. Pawan and another) arising out of NCR no. 26 of 2010 under Sections 323, 504, 506 IPC, PS- Chandi Nagar, District Baghpat pending in court of learned Additional Chief Judicial Magistrate, Baghpat.

3. Learned counsel for applicant submitted that applicant has been falsely implicated in the present case. The entire criminal proceedings initiated against applicant are vitiated on account of mistaken identity. There is no material collected during investigation connecting the applicant with the alleged occurrence and as such entire proceeding is liable to be quashed and set aside.

4. Per contra, learned AGA vehemently opposed the prayer sought through instant application and submitted that through instant application, proceedings pertaining to the year 2010 has been challenged without any satisfactory explanation of delay and as such present petition is liable to be rejected.

5. A precise query has been raised before learned counsel for applicant that what is the current stage of trial to which learned counsel for applicant failed to respond and only submitted that applicant has already been granted bail.

6. After hearing the submissions extended by learned counsels for the parties and perusing the records, it transpires that in the present matter, proceedings pertaining to the year 2010 has been challenged through the instant application after about 16 years without explaining the delay and if the Court fails to take into consideration delay and latches while invoking the powers of the High Court under Section 528 BNSS without any reasonable ground, there would be no end to the litigation. A party cannot approach the High Court under Section 528 BNSS at his whim and caprice merely because no period of limitation in filing the petition under the aforesaid provision is provided. A petition under Section 528 BNSS must be filed within a reasonable time and it should not be vitiated by inordinate delay and latches on the part of applicant.

7. Within what time a person should approach the Court under Section 528 BNSS depends upon the facts and circumstances of the case. Reasonable time generally means any time which is not manifestly unreasonable and which is fairly necessary for approaching the Court. Reasonable time would mean a time required by a prudent litigant to approach the Court in the given facts and circumstances of the case.

8. Analyzing the facts of the instant case in the backdrop of aforesaid position, it is absolutely clear that applicant has approached this Court at a highly belated stage i.e. after about 16 years. The applicant after awaking up from deep slumber, approached this Court without any iota of explanation for the delay as per his choice. Thus, it can by no stretch of imagination be stated that the applicant has approached this Court within a reasonable time. The applicant wants this Court to exercise its jurisdiction under Section 528 BNSS, which, in the facts and circumstances of the case, this Court would be reluctant to do.

9. In view thereof, the instant application stands **dismissed** being highly belated.

(Saurabh Srivastava,J.)

September 8, 2026
Shaswat

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