HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

APPLICATION U/S 482 No. - 4668 of 2026

Kaptan Singh And Another

.....Applicant(s)

Versus

State Of U.P. Thru. Secy. Home Deptt. Lko. And Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Atul Verma, Himanshu Tiwari
Counsel for Opposite Party(s)	:	G.A.

Court No. - 16

HON'BLE SHREE PRAKASH SINGH, J.

1. Heard learned counsel for the applicants, learned A.G.A. for the State and perused the material placed on record.

2. By means of the instant application, the applicants have prayed to allow the petition under Section 528 BNSS and quash the entire proceedings of Case No. 43440/2025 (State Vs. Pratyaksh Singh @ Deepu Singh & Ors.), arising out of Case Crime No. 407/2022 under Sections 498A, 323, 427 IPC & Section 3/4 of DP Act, registered at Police Station – Aashiyana, District – Lucknow, pending before the Court of learned Additional Chief Judicial Magistrate CBI (AP), Lucknow, including the impugned charge-sheet dated 07.01.2024 submitted by the Investigating Officer as well as the impugned cognizance/summoning order dated 03.05.2025 passed by the learned trial court.

3. Learned counsel appearing for the applicants submits that the applicant no. 1 is father-in-law and the applicant no. 2 is mother-in-law and they have falsely been implicated in the instant matter. He next added that there is no specific allegation against the present applicants for committing cruelty or demand of dowry and due to anonymity, the names of the present applicants have been mentioned in the first information report. He next added that the Investigating Officer, without collecting the material evidence against the present applicants, has submitted the chargesheet.

4. In support of his contentions, he has placed reliance on the Judgment of the Apex Court in the case of **Geeta Mehrotra Vs State of U.P. and Others,** reported in **2012(10) ADJ 464** and **Kahkashan Kausar alias Sonam and Others Vs State of Bihar and Others**, reported in **(2022) 6 SCC 599** and submits that the case of the present applicants is squarely covered with the ratio of Judgment aforesaid. Thus, submission is that the criminal proceedings against the applicants may be quashed.

5. On the other hand, learned A.G.A. appearing for the State has vehemently opposed the contentions aforesaid and submits that the applicants are named in the first information report and they are involved in committing offence and thus, submission is that the applicants are not entitled for any relief.

6. Matter requires consideration.

7. Let notice be issued to opposite party nos. 2 returnable at an early date.

8. Steps be taken within a week.

9. Learned A.G.A. as well as learned counsel for the opposite party no. 2 may file their counter affidavits. Rejoinder affidavit, if any, may be filed within a week thereafter.

10. List thereafter

11. Till the next date of listing, the proceedings initiated in pursuance of Case Crime No. 407/2022 under Sections 498A, 323, 427 IPC & Section 3/4 of DP Act, registered at Police Station – Aashiyana, District – Lucknow, shall remain stayed so far as the present applicants are concerned.

(Shree Prakash Singh,J.)

May 29, 2026
Raj

Digitally signed by :-
RAJ NIGAM
High Court of Judicature at Allahabad,
Lucknow Bench