2026:AHC:211239

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 30677 of 2026

Maya Singh

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Ashutosh Pandey, Sangeeta Pandey
Counsel for Opposite Party(s)	:	G.A.

Court No. - 77

HON'BLE NAND PRABHA SHUKLA, J.

1. Heard Sri Ashutosh Pandey, learned counsel for the applicant, learned A.G.A. for the State and perused the record.

2. The present application under Section 528 BNSS has been filed with a prayer to allow this application and quash the impugned cognizance/summoning order dated 28.08.2024 passed by learned Special Chief Judicial Magistrate, Kanpur Nagar as well as impugned charge sheet dated 08.05.2024 as well as entire proceeding of the Criminal Case No. 73736/2024 (State Vs. Maya Singh and others) arising out of Case Crime No.0049 of 2024 under sections 323, 504, 506 B.N.S. Police Station-Bajariya, District Central (Commissionerate Kanpur Nagar) pending the Court of learned Special Chief Judicial Magistrate, Kanpur Nagar.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in counter blast to the First Information Report lodged by the applicant bearing FIR No. 0048 of 2024 under sections 323, 504 and 506 IPC at Police Station Bajaria, District Kanpur Nagar.

4. Learned AGA has opposed the aforesaid submission on the ground that there is CCTV of the alleged incident.

5. From the perusal of the material on record and looking into the facts of the case, at this stage, it cannot be said that no offence is made out against the applicant. All the submissions made at the bar relate to the disputed questions of fact, which cannot be adjudicated upon by this Court. Only in

cases where the Court finds that there has been failure of justice or abuse of procedure, this power may be exercised to prevent the abuse of process to secure the ends of justice.

6. Accordingly, prayer for quashing is declined.

7. In case, the applicant is not on bail, it is directed that if the applicant appears or surrenders through counsel before the Trial Court and makes an application for bail within 45 days from the date of the order, the same shall be considered and disposed of expeditiously, after giving opportunity to the other side.

8. Further, it is provided that in case the applicant moves an application for discharge at an appropriate stage through counsel, the same shall be disposed of by the Trial Court by a reasoned and speaking order in accordance with law within six weeks thereafter.

9. For a period of 45 days or till the disposal of the discharge application, whichever is earlier, no coercive measures shall be taken against the applicant in the aforesaid case.

10. With the aforesaid direction, this application is disposed of.

(Nand Prabha Shukla,J.)

October 8, 2026
Puspendra

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