2026:AHC:211195

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 31906 of 2026

Rakesh Baghel

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Shailendra, Sohit Prakash Sharma
Counsel for Opposite Party(s)	:	G.A.

Court No. - 77

HON'BLE NAND PRABHA SHUKLA, J.

1. Heard Sri Sohit Prakash Sharma, 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 to set-a-side/quash the Charge-sheet dated 26.03.2026 as well as cognizance order dated 04.05.2026 passed by learned Additional Chief Judicial Magistrate, Firozabad District Firozabad in Case No.14146 of 2026, State of U.P. Vs. Rakesh Baghel and others, arising out of Case Crime No.18 of 2026 under sections 125(a), 351(2) B.N.S., Police Station Nagla Sindhi, District Firozabad by which the learned Magistrate summoned the Applicant for offence under Sections 125(a), 351(2) B.N.S. as well as quash the entire proceeding of Case No.14146 of 2026, State of U.P. Vs. Rakesh Baghel and others, arising out of Case Crime No.18 of 2026 under sections 125(a), 351(2) B.N.S., Police Station Nagla Sindhi, District Firozabad, pending in the Court of learned Additional Chief Judicial Magistrate, Firozabad, District Firozabad.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated due to property dispute.

4. 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.

5. Accordingly, prayer for quashing is declined.

6. 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.

7. 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.

8. 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.

9. 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