2026:AHC:210977

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 34507 of 2026

Munir And Another

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s) : Vijai Shanker Tripathi, Vinod Shankar Tripathi

Counsel for Opposite Party(s) : G.A.

Court No. - 77

HON'BLE NAND PRABHA SHUKLA, J.

1. Heard Sri Vinod Shankar Tripathi as well as Ms. Bharti, learned counsel for the applicants, 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 quash the impugned summoning order dated 06.11.2023 passed by the learned Additional Civil Judge (Senior Division)-I/Additional Chief Judicial Magistrate, Jaunpur in Case No. 309 of 2024 (State v. Sadiq and others) under Sections 323, 304, 506, 325, 308 I.P.C., Police Station Kerakat, District Jaunpur as well as quash the charge sheet dated 02.09.2022 as well as entire proceeding of Case No. 309 of 2024 (State v. Sadiq and others) arising out of Case Crime No. 244 of 2022 under Sections 323, 504, 506, 325, 308 I.P.C., Police Station Kerakat, District Jaunpur pending in the Court of learned Additional Civil Judge (Senior Division)-I/Additional Chief Judicial Magistrate, Jaunpur.

3. 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 applicants. 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.

4. Accordingly, prayer for quashing is declined.

5. In case, the applicants are not on bail, it is directed that if the applicants appear or surrender through counsel before the Trial Court and make 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.

6. Further, it is provided that in case the applicants move 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.

7. 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 applicants in the aforesaid case.

8. 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