2026:AHC:211455

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 34998 of 2026

Vimal Kumar

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Ram Pravesh Yadav
Counsel for Opposite Party(s)	:	G.A.

Court No. - 77

HON'BLE NAND PRABHA SHUKLA, J.

1. Heard Mr. Ram Pravesh Yadav, 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 quash the impugned charge sheet dated 12.07.2024 as well as its cognizance order dated 17.01.2026 passed by learned Additional Chief Judicial Magistrate, Shikohabad, Firozabad and entire proceedings of Case No. 683 of 2026, State Vs. Anar Singh and others, arising out of Case Crime No. 212 of 2024, under Sections 323, 324, 504, 506 I.P.C., Police Station-Shikohabad, District-Firozabad, pending in the court of learned Additional Chief Judicial Magistrate, Shikohabad, Firozabad and to stay the further proceedings of the aforesaid Case.

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 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.

4. Accordingly, prayer for quashing is declined.

5. 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.

6. 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.

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 applicant in the aforesaid case.

8. With the aforesaid direction, this application is ***disposed of.***

(Nand Prabha Shukla,J.)

October 8, 2026
Shivani Sri.

Digitally signed by :-
SHIVANI SRIVASTAVA
High Court of Judicature at Allahabad