2026:AHC:209229

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 34881 of 2026

Sarojani Sharma And 2 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Rateesh Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 72

HON'BLE DEEPAK VERMA, J.

1. Heard learned counsel for the applicants and learned A.G.A. for the State.

2. The present 528 BNSS application has been filed to quash the impugned summoning order dated 03.12.2022 passed by the Court of learned Judicial Magistrate/F.T.C.,Court No.2, Bijnor in Complaint No. 652 of 2021 (Manisha Versus Kavita Sharma and others), under Sections 323, 452, 504, 506 I.P.C., Police Station Mahila Thana, District Bijnor as well as entire proceeding of Complaint No. 652 of 2021 (Manisha Versus Kavita Sharma and others), under Sections 323, 452, 504, 506 I.P.C., Police Station Mahila Thana, District Bijnor, pending in the court of learned Additional Civil Judge (Junior Division)/ F.T.C., Bijnor.

3. It is argued by the learned counsel for the applicants that proceeding before the learned trial court has been posted for evidence of the prosecution witnesses under Section 244 Cr. P.C. He further argued that all allegations in complaint are false and baseless and not supported by any evidence. No case under the alleged sections is made out.

4. *Per contra,* learned AGA opposed the submission of applicants' counsel and submitted that prima facie, offence under the alleged sections is made out against the applicants. He further submitted that submission raised by applicants' counsel, are disputed question of facts, which cannot

be entertained at this stage. The applicants are on bail/anticipatory bail. They have remedy to move an application for discharge. He also submitted that in case applicants move an application for discharge within time, the concerned court will decide the same, expeditiously.

5. The prayer for quashing the entire proceedings, cognizance/summoning order of the aforesaid case against the applicants is, hereby, **refused**.

6. However, if applicants move discharge application before the concerned court below, through counsel**,** within three weeks from today, the court below shall decide his application in accordance with law, expeditiously, preferably within a period of six weeks from the date of filing of discharge application.

7. Till disposal of discharge application, no coercive action shall be taken against the applicants in the aforesaid case.

8. With the above directions, this 528 BNSS application is **disposed of.**

(Deepak Verma,J.)

October 6, 2026
T.S.

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