HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 36072 of 2026

Vijay Kumar

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Akshat Jain
Counsel for Opposite Party(s)	:	G.A.

Court No. - 77

HON'BLE NAND PRABHA SHUKLA, J.

1. Heard Sri Akshat Jain, learned counsel for the applicant, learned AGA for the State and perused the record.

2. The present application under section 528 BNSS has been filed for seeking quashing of charge sheet dated 04.04.2026, cognizance/summoning order dated 22.06.2026 passed by learned Additional Sessions Judge/Special Judge (Prevention of Corruption Act) Court No.2, Meerut and the entire proceedings of Special Case (State vs. Vijay Kumar and Others) arising out of Case Crime No.0622 of 2014 under sections 409, 420, 467, 468, 471 and 120-B of the Indian Penal Code, 1860, Police Station Surajpur, District Gautam Buddha Nagar, pending in the Court of learned Additional Sessions Judge/Special Judge (Prevention of Corruption Act) Court No.2, Meerut.

2. Learned counsel for the applicant submitted that on previous occasions specific instructions have been called from learned A.G.A. in respect of the issue that whether the amount which was due to be extended in favour of the applicant in the shape of scholarship has ever been informed or not?

3. In response to the same query detailed instructions have been received by learned Additional Government Advocate in which a complete new stand has been taken up that the name of the applicant was not available in the list which has been submitted by respective educational institutions and as such the allegations whatsoever has been made against applicant are justified for prosecuting him in Case Crime No. 622 of 2014. Learned counsel for the applicant submitted that instructions, so received are contrary to the allegations framed against the applicant, which is apparent from the

narration of the FIR.

4. Sri Akshat Jain, learned counsel for the applicant sought the attention of the Court over the narration of the FIR available at Serial No.65, wherein it is specifically mentioned that applicant was entitled to receive only Rs.63,900/-, whereas in two installment total amount of Rs.75,900/- has been extended against the applicant and as such he has been implicated in Case Crime No. 622 of 2014, and the chargesheet has been submitted before learned concerned court in respect of Sections 409, 420, 467, 468, 471 and 120-B IPC, whereupon cognizance of offence has been taken up and the applicant has been summoned in respect of the same.

5. Learned counsel for the applicant has submitted that the allegation which has been extended against the applicant for receiving only Rs.12,000/- excess amount, and the option available before the competent authorities to recover the same amount by way of giving option to the applicant, in spite of the same carrier of a rising Engineer has been ruined by way of implicating him as one of the co-accused alongwith the persons who extended excess amount in favour of the applicant. It is also submitted by the learned counsel for the applicant that incompetency of Government machinery made the victim to the applicant by way of implicating as co-accused in Case Crime No. 622 of 2014 which cannot be compensated in any terms.

6. Considering the arguments so raised by learned counsel for the applicant as well as learned A.G.A. it is apparent from the narration of the FIR itself that the applicant was entitled to be extended Rs.63,900/- in the shape of scholarship and only by way of receiving amount of Rs.12,000/- in excess. In response to the query emphasized over by learned A.G.A. there is hardly any documents available or informed by learned A.G.A. that at any point of time the applicant has been informed with any documentary correspondence that he is entitled to be received Rs.63,900/- in shape of scholarship before extending the same directly in the account of the applicant through educational institution.

7. In view of the aforementioned facts and circumstances, once there was hardly any information available before the applicant that what exact amount in the shape of scholarship he is entitled for, and whatsoever has been extended from the concerned educational institution in favour of the applicant has been received with most humble gesture. But there is hardly

any case as brought to the notice of this Court through instruction by learned A.G.A. that name of the applicant was not available in the list which was submitted by the concerned educational institution, which culminated into implication of the applicant in Case Crime No. 622 of 2014. The entire stand taken up by learned A.G.A. is contrary to the narration of the FIR, although no substantial evidence collected during course of investigation while preferring chargesheet implicating applicant as one of the co-accused since none of the section in which cognizance of offence has been taken up is attracting and involving applicant in any manner whatsoever.

8. In view of above, the entire proceedings of Special Case (State vs. Vijay Kumar and Others) arising out of Case Crime No.0622 of 2014 under sections 409, 420, 467, 468, 471 and 120-B of the Indian Penal Code, 1860, Police Station Surajpur, District Gautam Buddha Nagar, pending in the Court of learned Additional Sessions Judge/Special Judge (Prevention of Corruption Act) Court No.2, Meerut including charge-sheet dated 04.04.2026 along with cognizance/summoning order dated 22.06.2026, are hereby set-aside in respect of applicant, Vijay Kumar, son of Sheo Bachan Prasad only.

9. The instant application stands allowed accordingly.

10. However, it is made clear that since the applicant was only entitled to the tune of Rs.63,900/- only and he received Rs.75,900/-, this amount pertains to a public money, and as such applicant is hereby directed to refund Rs.12,000/- directly to the account pertains to District Backward Class Welfare Officer, Gautam Buddha Nagar.

October 29, 2026
Puspendra

(Nand Prabha Shukla,J.)

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