2026:AHC:208714

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 35696 of 2026

Prabhanjan Dubey

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Ashok Kumar Tripathi
Counsel for Opposite Party(s)	:	G.A.

Court No. - 77

HON'BLE NAND PRABHA SHUKLA, J.

1. Heard Mr. Ashok Kumar Tripathi, 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 with a prayer to quash the may graciously be pleased to quash the impugned Charge-Sheel No. 14/2025 dated 17.01.2025, and the summoning order dated 22.08.2025, in Criminal Case No.56885 of 2026 (State Vs Prabhanjan Dubey and 2 others), arising out the Case Crime No. 320 of 2024, under Sections 115(2), 352, 351(2), 324(4), (5), 333 B.N.S., Police Station- Sadar Bazar, District- Mathura, and the entire proceeding in pursuance thereto of Criminal Case No. 56885 of 2026, pending in the Court of learned Additional Chief Judicial Magistrate, Court No.01. Mathura.

3. Learned counsel for the applicant submits that the applicant is brother-in-law (nandoi) of the opposite party no. 2 and has been falsely implicated in the matrimonial 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 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.

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 6, 2026
Nisha

Digitally signed by :-
nisha kumari
High Court of Judicature at Allahabad