2026:AHC:208671

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 35690 of 2026

Kamal Kishor Yadav And Another

.....Applicant(s)

Versus

State Of U.P. And 4 Others

.....Opposite Party(s)

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

Court No. - 77

HON'BLE NAND PRABHA SHUKLA, J.

1. Heard Mr. Jitendra Bahadur Singh, 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 quash the entire proceeding of Session Trial No. 1030 of 2026 (State vs. Abhay Kumar Yadav & others) arising out of Case Crime No. 138 of 2025 U/S-115(2), 352 B.N.S. Police Station Kachhwa, District-Mirzapur as well as impugned charge sheet No. 130 of 2025 dated 14-09-2025 submitted against the applicants in U/S - 115(2) 352 B.N.S. and impugned cognizance & summoning order dated 16-05-2026 passed by learned Special Judge POCSO Act/ Additional Session Judge Mirzapur.

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 6, 2026
Nisha

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