2026:AHC:211412

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 35841 of 2026

Kailash Chandra Jaiswal And 2 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Surendra Mohan Mishra
Counsel for Opposite Party(s)	:	G.A.

Court No. - 77

HON'BLE NAND PRABHA SHUKLA, J.

1. Heard Mr. Surendra Mohan Mishra, 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 allow the present application and quash the entire proceeding of Criminal Case No. 6392 of 2025 (State Vs. Ravi Jaiswal and others), charge sheet dated 07.09.2024, arising out of Case Crime No. 103 of 2024, under Section 406 I.P.C., Police Station-Kathela Samay Mata, District-Siddharth Nagar as well as impugned cognizance/summoning order dated 16.04.2025, pending in the court of learned Civil Judge, (Junior Division)/F.T.C., Court No.2, Siddharth Nagar and to stay the further proceeding of the aforesaid Criminal 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 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 8, 2026
Shivani Sri.

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