2026:AHC:211248

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 35949 of 2026

Mohammad Zameer Khan And Another

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Satyawati, Vipin Kumar
Counsel for Opposite Party(s)	:	G.A.

Court No. - 77

HON'BLE NAND PRABHA SHUKLA, J.

1. Heard Mr. Vipin Kumar, learned counsel for the applicants, learned A.G.A. for the State and perused the record.

2. The present application under Section 528 B.N.S.S. has been preferred to allow the application and quash the entire criminal proceeding of Case No. 1033 of 2025 (State Versus Nazreen and others) arising out of Case Crime No. 92 of 2025, under Sections 115(2) and 352 of B.N.S., Police Station-Delhi Gate, District-Aligarh initiated before learned Additional Chief Judicial Magistrate, Court No. 8, Aligarh in pursuance of summoning order dated 10.10.2025 and to stay further proceeding of the aforesaid 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 *prima facie* 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 under Section 528 B.N.S.S. Only in cases where the Court finds that there has been failure of justice or misuse of judicial mechanism or procedure, sentence or order was not correct, this power may be exercised to prevent the abuse of process of miscarriage of justice. Therefore, no interference is required.

4. Accordingly, prayer of the applicants is refused.

5. However, considering the prayer made by learned counsel for the

applicants, it is directed that in case the applicants apply for bail before the concerned court within 30 days from today, the same shall be considered and disposed of expeditiously in the light of law laid down by the Apex Court in the case of **Satender Kumar Antil vs. Central Bureau of Investigation and another, reported in (2021) 10 SCC 773.**

6. For a period of 30 days from today or till the time of applying the bail application before the court concerned, whichever is earlier, no coercive action shall be taken against the applicants in Case No. 1033 of 2025 (State Versus Nazreen and others) arising out of Case Crime No. 92 of 2025, under Sections 115(2) and 352 of B.N.S., Police Station-Delhi Gate, District-Aligarh.

7. With the above observations, this application under Section 528 B.N.S.S. is **disposed of**.

(Nand Prabha Shukla,J.)

October 8, 2026
Shivani Sri.

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