2026:AHC:212063

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 36333 of 2026

Phoolchandra And 6 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s) : Niwas Kumar Gupta, Sanjai Singh Yadav

Counsel for Opposite Party(s) : G.A.

Court No. - 77

HON'BLE NAND PRABHA SHUKLA, J.

1. Heard Sri Niwas Kumar Gupta, 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 seeking the following relief:

"1. यह कि थाना हण्डिया जनपद प्रयागराज में पंजीकृत मू०अ०स० 125 सन् 2025 अन्तर्गत धारा 191(2), 333, 115(2), 352, 351(2) भारतीय न्याय संहिता थाना हण्डिया, जनपद प्रयागराज से उत्पन्न आरोप पत्र संख्या 489/2025 अन्तर्गत धारा 191(2), 333, 115(2), 352, 351 (2) भा०न्याय सं० दिनांक 26.10.2025 व उस पर प्रसंज्ञान लेने वाले आदेश एवं तलवी आदेश दिनांक 11.02.2026 एवं संचालित सम्पूर्ण कार्यवाही जो न्यायालय अपर मुख्य न्यायिक दण्डाधिकारी कक्ष संख्या-8 प्रयागराज में मु0नं0 150/2026 सरकार बनाम फूलचन्द्र आदि विचाराधीन है की सम्पूर्ण कार्यवाही को खण्डित किया जाये।

(2) यह कि थाना हण्डिया जनपद प्रयागराज में पंजीकृत मु०अ०सं० 125 सन् 2025 अन्तर्गत धारा 191(2), 333, 115(2), 352, 351(2) भारतीय न्याय संहिता थाना हण्डिया, जनपद प्रयागराज से उत्पन्न आरोप पत्र संख्या 489/2025 अन्तर्गत धारा 191(2), 333, 115(2), 352, 351 (2) भा०न्याय सं० दिनांक 26.10.2025 व उस पर प्रसंज्ञान लेने वाले आदेश एवं तलवी आदेश दिनांक 11.02.2026 एवं संचालित सम्पूर्ण कार्यवाही जो न्यायालय अपर मुख्य न्यायिक दण्डाधिकारी कक्ष संख्या-8 प्रयागराज में मु0नं0 150/2026 सरकार बनाम फूलचन्द्र आदि विचाराधीन में विचाराधीन है की अग्रिम कार्यवाही को इस प्रार्थना पत्र के विचाराधीन रहने तक स्थगित रखा जाये।"

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 9, 2026
Puspendra

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