2026:AHC:209960

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 36975 of 2025

Monish Malik Alias Monty

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Mohammad Zakir
Counsel for Opposite Party(s)	:	Ashish Kumar Pandey, G.A.

Court No. - 73

HON'BLE DR. GAUTAM CHOWDHARY, J.

1. This application has been filed with the prayer to quash the entire proceedings of Criminal Case No. 349 of 2024 (State Vs. Waseem and others) arising out of Case Crime No. 576 of 2024 under Sections 191(2), 74, 76, 115(2), 125, 352, 351(3), 324(4) B.N.S. and Section 7/8 of POCSO Act, Police Station Modi Nagar, District Gramin (Commissionerate Ghaziabad) pending before Special Judge (POCSO Act), District Ghaziabad and also to quash the charge sheet dated 14.09.2024 as well as summoning order dated 24.10.2024 passed in the aforesaid case.

2. The contention of learned counsel for the applicant is that no offence against the applicant is disclosed and the present prosecution has been instituted with a malafide intention for the purpose of causing harassment. He pointed out certain documents and statements in support of his contention.

3. At this stage, the argument raised by learned counsel for the applicants involves adjudication of a factual dispute and appraisal of evidence.

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 at this stage. 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 of B.N.S.S. At this stage only prima facie case is to be seen in the light of the law laid down by Supreme Court in cases of ***R.P. Kapur Vs. State of Punjab, A.I.R. 1960 S.C. 866, State of Haryana Vs. Bhajan Lal, 1992 SCC (Cr.) 426, State of Bihar Vs. P.P.Sharma, 1992 SCC (Cr.) 192 and lastly Zandu Pharmaceutical Works Ltd. Vs. Mohd. Saraful Haq and another (Para-10) 2005 SCC (Cr.) 283***.

5. Accordingly, the reliefs as sought by the applicant is refused.

6. At this stage, learned counsel for the applicant has contended that the applicant may be permitted to file discharge application.

7. It goes without saying that no such direction is required to be passed since it is open for the applicant to avail the remedy as available to him in accordance with law.

8. The application stands dismissed.

(Dr. Gautam Chowdhary,J.)

October 7, 2026
S.Ali

Digitally signed by :-
SHAUKAT ALI
High Court of Judicature at Allahabad