2026:AHC:209243

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 38625 of 2026

Santosh Pathak And 3 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Rajendra Babu Gaur
Counsel for Opposite Party(s)	:	G.A.

Court No. - 76

HON'BLE SAURABH SRIVASTAVA, J.

1. Heard learned counsel for applicants as well as learned AGA.

2. Present application has been preferred with the prayer to quash chargesheet dated 10.10.2019 and cognizance/summoning order dated 25.06.2020 along with entire proceedings of Case No.1449 of 2023 (State Vs. Santosh Pathak and others), arising out of Case Crime No.184 of 2019, under Section 147. 148, 323, 352, 504, 506, 427 IPC, P.S. Shahi, District Bareilly, pending in the court of learned Judicial Magistrate-Ist, Bareilly.

3. While challenging the impugned chargesheet along with cognizance/summoning order and entire proceedings of the said case, learned counsel for applicants has contended that learned court concerned took cognizance and summoned the applicants vide impugned order dated 25.06.2020 on printed proforma which is not in compliance of Section 190 Cr.P.C and therefore the same is liable to be quashed.

4. Since the argument as advanced on behalf of learned counsel for applicants, is based on legal issue, no notice is required to be issued to opposite party no.2.

5. Although, learned AGA vehemently opposed the prayer sought through the instant application but could not dispute the aforesaid fact.

6. After hearing the rival submissions extended by learned counsels for the parties and perusing the entire record along with cognizance/summoning order dated 25.06.2020, this Court finds that the same has been passed by learned court concerned on a printed proforma without application of

judicial mind and without complying mandatory provisions of Sections 190 Cr.P.C since in the impugned, neither the names of any accused nor the sections in which cognizance was taken, has been mentioned which is not admissible in the eye of law and as such impugned order dated 25.06.2020 passed in Case No.1449 of 2023 (State Vs. Santosh Pathak and others), arising out of Case Crime No.184 of 2019, under Section 147. 148, 323, 352, 504, 506, 427 IPC, P.S. Shahi, District Bareilly, pending in the court of learned Judicial Magistrate-Ist, Bareilly, is hereby set aside. Matter is hereby remitted back to learned court concerned to pass fresh order of taking cognizance against applicants, if required, in strict procedure of law.

7. The instant application stands **partly allowed** accordingly.

October 6, 2026
Vivek Kr.

(Saurabh Srivastava,J.)

Digitally signed by :-
VIVEK KUMAR
High Court of Judicature at Allahabad