HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 37100 of 2025

Prashant Upadhyay

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Ram Anuj Prajapati
Counsel for Opposite Party(s)	:	G.A.

Court No. - 79

HON'BLE MADAN PAL SINGH, J.

1. Heard Sri Ram Anuj Prajapati, learned counsel for the applicant, learned A.G.A. for the State and perused the record.

2. The present application under Section 482 Cr.P.C. has been filed praying for quashing the charge sheet dated 02.06.2020 alongwith cognizance/summoning order dated 18.01.2021 including the entire proceeding of Case No.2084 of 2021 arising out of Case Crime No.154 of 2020, under Sections 269, 270, 271 IPC, Police Station Mandaudeeh, District Varanasi pending in the court of Additional Chief Judicial Magistrate II, Varanasi.

3. Learned counsel for the applicant submitted that the first information report was lodged on 27.04.2020 by the Station House Officer, Police Station Manduadeeh, District Varanasi being Case Crime No.154 of 2020, under Sections 269, 270, 271 IPC. in respect of an incident alleged to have occurred during the Covid-19 Pandemic. After investigation, the Investigating Officer submitted charge-sheet on 02.06.2020 under Sections 269, 270, 271 IPC. The learned Magistrate took cognizance on 18.10.2021.

4. Learned counsel for the applicant further submits that vide order dated 08.10.2021 passed by a Division Bench of this Court in Criminal Misc. Writ Petition No. 7787 of 2021 (Vinay Kumar and another Vs. State of U.P. and 2 others), this Court directed the State Government to frame a time schedule for completing the exercise for withdrawal of COVID-19 protocol breach cases in terms of decision taken by the State Government/ guidelines of Central Government and withdraw cases found worth withdrawal in accordance with law, expeditiously preferably within a period of three months and file a compliance report. It has further been submitted that in

pursuance of the aforesaid order passed by the Division Bench of this Court the State Government vide its notification dated 26.10.2021 directed the concern authorities to withdraw the cases which were lodged during Covid-19 protocol in which maximum punishment is below than two years. Learned counsel for the applicant further argued that as per Government Order dated 26.10.2021 appended at page-73 of the paper book, such cases were directed to be withdrawn by the Public Prosecutor in the courts but still the case is pending against the applicant, which causing unnecessary harassment to him.

5. Learned counsel further submits that the controversy involved in the present matter is squarely covered by the judgment of this Court in an Application U/S 482 No. 2034 of 2024 **(Mustafa v. State of U.P. and Another)**, wherein this Court, while considering the Government Order dated 26.10.2021 relating to withdrawal of Covid-19 protocol breach cases, quashed the criminal proceedings.

6. Learned A.G.A. for the State submits that once the State Government vide its notification dated 26.10.2021 directed the concern authorities to withdraw the cases which were lodged during Covid-19 protocol in which maximum punishment is below than two years, there is no reason to continue with the aforesaid proceeding.

7. Having heard learned counsel for the parties and upon perusal of the record, this Court finds that the prosecution admittedly pertains to the alleged violation of Covid-19 restrictions. It is also not disputed that pursuant to the directions issued by the Division Bench of this Court, the State Government issued the Government Order dated 26.10.2021 directing withdrawal of such prosecutions.

8. Having heard the learned counsel for the applicant as well as learned counsel for the State, this Court is of the view that pursuant to the aforesaid order dated 08.10.2021 passed by Division Bench of this Court when a specific direction has already been given by the State Government vide its notification dated 26.10.2021 directing the concern authorities to withdraw the cases which were lodged during Covid-19 protocol in which maximum punishment is below two years, in such circumstances if the proceeding initiated against the present applicant is allowed to go on the same would be in contravention of the aforesaid notification dated 26.10.2021 issued by the State Government.

9. In view of above, the present application under Section 528 BNSS is **allowed**. Consequently, the entire criminal proceeding of Case No.2084 of

2021 arising out of Case Crime No.154 of 2020, under Sections 269, 270, 271 IPC, Police Station Mandaudeeh, District Varanasi pending in the court of Additional Chief Judicial Magistrate II, Varanasi, so far as it relates to the present applicant, is hereby, **quashed**.

October 27, 2026
Ajeet

(Madan Pal Singh,J.)

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