2026:AHC:208102

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 38037 of 2026

Parvati Devi And 4 Others

.....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. - 76

HON'BLE SAURABH SRIVASTAVA, J.

1. This matter has been taken up in the date fixed category.

2. Heard learned counsel for applicants and learned AGA for State.

3. The present application under Section 528 BNSS, has been filed for quashing the chargesheet dated 11.12.2022 and cognizance and summoning order dated 20.03.2023 passed by Additional Chief Judicial Magistrate, Court No.5, Varanasi as well as entire proceedings of Case No.34556 of 2023 (State Vs. Parwati and others) arising out of Case Crime No.428 of 2022, under Sections 147, 323, 352, 506 IPC, P.S. Baragaon, District Varanasi, pending in the court of Additional Chief Judicial Magistrate-VII, Varanasi.

4. Heard and perused the material available on record, including the impugned charge-sheet and cognizance/summoning order.

5. In compliance to earlier order dated 17.09.2026, learned AGA came up with the instructions that there are some cases of criminal history credited against the applicants, but at the time of filing instant application, applicants has not averred anything about his criminal history, meaning thereby applicants have not come up with clean hands and as such no interference is required by this Court, since in catena of judgments rendered by Hon'ble Apex Court such as in case of **S.B.Noronah vs. Union of India reported in AIR Online 1994 SC 124** as well as in case of **M/s Tomorrowland Limited vs. Housing and Urban Development Corporation Limited and another reported in [2025] 2 S.C.R 998** wherein it has been held that no

indulgence or relief would be granted in favour of any litigant who has not approached to the Court with 'clean hands'. The remedy available at law is not for those who are hiding the facts from the Court itself.

6. Accordingly, this Court does not find any good ground to invoke its inherent jurisdiction under Section 528 BNSS for quashing the impugned charge-sheet, cognizance/summoning or the consequential criminal proceedings and as such, the present application is hereby **dismissed.**

7. Learned trial court concerned shall proceed with the trial expeditiously, strictly in accordance with law, without being influenced by any observation made herein.

October 5, 2026
Ashish/-

(Saurabh Srivastava,J.)

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