HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 41240 of 2026

Radheyshyam And 4 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s) : Kamlesh Kumar Tiwari, Swati Tiwari
Counsel for Opposite Party(s) : G.A., Richesh Mishra

Court No. - 76

HON'BLE SAURABH SRIVASTAVA, J.

1. Heard learned counsel for applicants and learned counsel for opposite party no.2 as well as learned AGA for the State.

2. The present application under Section 528 BNSS, has been filed for quashing the entire proceedings of Criminal Case No. 3886 of 2026 (State vs. Sitaram and others), arising out of Case Crime No. 600 of 2025, under Sections 191(2), 109, 115(2), 352, 351(3) BNS, Police Station-Khorabhar, District- Gorakhpur and alongwith cognizance/summoning orders dated 14.01.2026 and 27.05.2026, pending in the court of learned Additional Chief Judicial Magistrate-I, Gorakhpur.

3. Vide earlier order dated 12.10.2026, notice was issued to opposite party no.2 and learned AGA was also directed to seek instructions.

4. In compliance with the said order, learned AGA came up with the specific instructions that applicants are having criminal history of certain cases except the present one, but in the instant application, nothing has been mentioned by applicants about their criminal history, meaning thereby applicants have not came up with clean hands, and as such, no interference is required by this Court. 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**, it has been held that no indulgence or relief would be granted in favour of any litigant who has not approached the Court with 'clean hands'.

5. In view of the aforesaid suppression of material facts and the conduct of the applicants in not disclosing their criminal history, this Court is of the considered view that the applicants are not entitled to invoke the inherent jurisdiction of this Court in their favour. Accordingly, no interference is warranted in the matter.

6. The present application is, accordingly, **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.

(Saurabh Srivastava,J.)

October 29, 2026
Vivek Kr.

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