HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 39288 of 2026

Shahjad

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Manvendra Narain Pathak, Rajeev Kumar Tiwari, Sanjay Tiwari
Counsel for Opposite Party(s)	:	G.A.

Court No. - 76

HON'BLE SAURABH SRIVASTAVA, J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.

2. This application has been filed for quashing of charge-sheet dated 18.04.2020 and cognizance/summoning order dated 08.10.2020 as well as the entire proceeding of Case No.38854 of 2025, arising out of Case Crime No.306 of 2020, (State Vs. Irfan and others), under Sections 504, 506, 188 IPC, P.S. Kotwali, District Ghzaizabad, pending in the court of Additional Chief Judicial Magistrate- Ist, Ghaziabad.

3. Learned counsel for applicant has submitted this this case was registered during COVID-19 period and **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26.10.2021, such cases were directed to be withdrawn by the Public Prosecutor in the courts but still the case is pending against the applicants, which causing unnecessary harassment to him.

4. 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.

5. 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 applicants is allowed to go on, the same would be in contravention of the aforesaid notification dated 26.10.2021 issued by the State Government.

6. In view of above, the present application under Section 528 BNSS is allowed. Consequently, charge-sheet dated 18.04.2020 and cognizance/summoning order dated 08.10.2020 as well as the entire proceeding of Case No.38854 of 2025, arising out of Case Crime No.306 of 2020, (State Vs. Irfan and others), under Sections 504, 506, 188 IPC, P.S. Kotwali, District Ghzaizabad, pending in the court of Additional Chief Judicial Magistrate- Ist, Ghaziabad, are hereby, quashed.

October 29, 2026
Ashish/-

(Saurabh Srivastava,J.)

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