2026:AHC:211690

# HIGH COURT OF JUDICATURE AT ALLAHABAD

**APPLICATION U/S 528 BNSS No. - 40112 of 2026**

Dheeraj Dubey And 3 Others

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

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Counsel for Applicant(s) : Parth Shukla, Shashi Prakash Sharma
Counsel for Opposite Party(s) : G.A.

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**Court No. - 76**

**HON'BLE SAURABH SRIVASTAVA, J.**

1. Heard learned counsel for parties.

2. Present application has been preferred with prayer to quash order/show cause notice dated 19.4.2026 issued by Sub-Divisional Magistrate, Gyanpur, Bhadohi under Section 130 BNSS in Case no. 8267 of 2026, Computer Case no. T202616670408267 under Section 126/135 BNSS, PS- Gyanpur, District Bhadohi.

3. Brief facts of the case are that on the basis of challani report submitted at the behest of opposite party no. 3/concerned Station In-charge against the applicants, impugned order/notice dated 19.4.2026 has been issued by Sub-District Magistrate, Gyanpur, Bhadohi, summoning the applicants to show cause why he should not be ordered to execute a bond, with sureties, for his good behaviour for period of one year.

4. It is contended by learned counsel for applicant that impugned proceedings has been initiated against the applicant on the basis of false and fabricated report preferred at the behest of opposite party no. 3. Learned Magistrate, concerned has not applied his judicial mind while issuing impugned notice and as such impugned notice is liable to be quashed. However, it is also fairly admitted that impugned notice has not yet been replied by the applicant.

5. Per contra, learned AGA vehemently opposed the prayer sought through instant application and submitted that vide impugned order only notice have

been issued against the applicant, which is no prejudice to the applicant and as such instant application being premature is liable to be dismissed.

6. After hearing rival submissions extended by learned counsels for the parties and perusing the records, this Court finds that the impugned notice dated 19.4.2026 issued by Sub-District Magistrate, Gyanpur, Bhadohi under Section 130 BNSS which has been put under challenge is nothing but through the same only notice in shape of show cause has been issued. A mere notice does not give rise to any cause of action, because it does not amount to an adverse order which affects the rights of any party unless the same has been issued by a person having no jurisdiction to do so. Only a notice does not infringe the right of any one. It is only when a final order imposing some punishment or otherwise adversely affecting a party is passed, then the said party can be said to have any grievance. However, liberty is hereby extended in favour of the applicant to respond with the notice within a week and the reply shall be decided by learned court concerned within 15 days thereafter and in case any prejudice is caused with the outcome of the proceedings after considering the response given by the applicant, the applicant shall be entitled to raise the grievance under the same proceedings. However, it is made clear, till final disposal of the reply which will be preferred at the behest of applicants, no coercive action shall be initiated against the applicants herein.

7. For the foregoing reasons, instant application stands **disposed of** accordingly.

**(Saurabh Srivastava,J.)**

**October 7, 2026**
Shaswat

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