2026:AHC:209591

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 41571 of 2026

Balmurti Yadav And 3 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s) : Anurag Sen, Ashutosh Kumar Pandey
Counsel for Opposite Party(s) : G.A.

Court No. - 73

HON'BLE DR. GAUTAM CHOWDHARY, J.

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

2. This application has been filed for quashing of the proceedings of Criminal Case No. 10278 of 2025 (State Vs. Balmurti Yadav and others) arising out of Case Crime No. 26 of 2025 under Section 2/3 of Prevention of Damages to Public Property Act, 1984 Police Station Balua, district Chandauli pending before learned Civil Judge (Junior Division)/ Fast Track Court-I/Judicial Magistrate Chandauli as well as to quash the charge sheet dated 15.06.2025 and also to quash the cognizance order dated 12.09.2025 passed in the aforesaid case.

3. Learned counsel for the applicants that the allegation against the applicants is that they had incorporated the hand pump in their boundary wall. Learned counsel for the applicants has contended that according to the IGRS report dated 31.07.2024, the hand pump was already rendered as non-functional and therefore false allegation has been levelled against the applicants. Learned counsel for the applicants submits that the applicants have been falsely implicated in the present case due to ulterior motive. Submission is that the malafides which motivated the opposite party have been emphasized and several submissions in order to expose the falsity of the allegations have been made. Further submission is that malafides behind the prosecution are apparent on the face of record and if the proceedings against the applicants is allowed to go on, it will result in the abuse of court's process. Learned counsel for the applicants therefore submits, no prosecution could lie against the applicants, in such circumstances.

4. On perusal of the record, the Court finds that the allegations made in the first information report disclose commission of a cognizable offence and those allegations have found support from the material collected during the course of investigation on the basis whereof the police has laid

a charge sheet against the applicants.

5. This Court in e of its power under section 528 of B.N.S.S., is not required to assess the correctness of the allegation and the reliability of the material collected during the course of investigation, the prayer to quash the charge sheet and the consequential proceeding is rejected.

6. The application lacks merit and is dismissed.

(Dr. Gautam Chowdhary,J.)

October 6, 2026
S.Ali

Digitally signed by :-
SHAUKAT ALI
High Court of Judicature at Allahabad