2026:AHC:237282

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 41699 of 2026

Jagdish And 7 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s) : Neha Kumari, Shashi Kumar Dwivedi, Surendra Kumar

Counsel for Opposite Party(s) : Anil Kumar Yadav, G.A.

Court No. - 79

HON'BLE MADAN PAL SINGH, J.

1. Heard learned counsel for the applicants, Sri Anil Kumar Yadav, learned counsel for the opposite party no.2, learned A.G.A. for the State and perused the record.

2. The instant application under Section 528 BNSS has been filed seeking quashing of the charge-sheet dated 29.10.2025, the cognizance/summoning order dated 31.03.2026 and the entire proceedings of Criminal Case No. 34837 of 2026, arising out of Case Crime No. 292 of 2025, under Sections 191(2), 352, 351(3) and 324(4) of the Bharatiya Nyaya Sanhita, 2023, Police Station Maharajpur, District Kanpur Nagar, pending in the court of learned Additional Chief Judicial Magistrate-IV, Kanpur Nagar.

3. As per the prosecution case, the F.I.R. dated 18.07.2025 was lodged by the informant alleging that on 29.06.2025, at about 11:28 p.m., his neighbours, namely, Jagdish, Dharmendra, Rajendra, Chhotu, Lalji, Anil, Sangeeta, Shashi, Chhoti, Jhallar Singh and Suresh, armed with weapons, came to his house on account of an old dispute, hurled filthy abuses and extended threats to kill him. It was further alleged that taking advantage of their dominance, they used a tractor to push and demolish the boundary wall of his house. Out of fear, the informant did not come outside and called the police through dial 112, whereupon the accused persons left the place.

4. During investigation, the Investigating Officer recorded the statements of the informant, his wife Anita and other witnesses under Section 180 B.N.S.S., 2023, and also examined the CCTV footage relating to the alleged incident. After completion of the investigation, the charge-sheet dated 29.10.2025 was submitted against eight accused persons, pursuant to which the learned Magistrate took cognizance and issued summons vide order dated 31.03.2026.

5. Learned counsel for the applicants submits that the impugned prosecution is an outcome of a long-standing family and property dispute between the parties. The F.I.R. has been lodged after an unexplained delay of about nineteen days with an oblique motive to pressurize the applicants in the pending civil dispute. It is further submitted that the applicants have been falsely implicated on the basis of omnibus and general allegations without there being any credible material connecting them with the alleged occurrence. Referring to the statements recorded during investigation, the inquiry report and the CCTV footage, it is contended that the prosecution version does not establish the participation of the applicants in the alleged incident and that their implication is motivated. It is, thus, submitted that continuation of the criminal proceedings would amount to an abuse of the process of law.

6. Per contra, learned counsel for the opposite party no.2 opposes the application and submits that during investigation sufficient material was collected against the applicants. The statement of Anita, wife of the informant, specifically discloses the participation of certain accused persons in the alleged incident. It is further submitted that the CCTV footage collected during investigation also supports the prosecution version regarding demolition of the wall. Accordingly, the charge-sheet has rightly been submitted and the learned Magistrate has committed no illegality in taking cognizance of the offences.

7. Having considered the rival submissions advanced by learned counsel for the parties and upon perusal of the material available on record, particularly the statement of Anita recorded during investigation, this Court finds that the matter requires consideration qua the individual role attributed to the accused persons.

8. In her statement recorded by the Investigating Officer, Anita categorically stated that on 29.06.2025, at about 11:28 p.m., Jagdish son of Surajdeen, Dharmendra, Rajendra, Chhotu alias Narendra, Lalji and Anil, all belonging to the family of the accused persons, came out of their house and started abusing her and her family members on account of the existing dispute relating to the Sahan land. She specifically stated that the aforesaid persons hurled filthy abuses and threatened them with dire consequences and, taking advantage of their dominance, pushed and demolished the wall constructed on the disputed portion of the land.

9. Anita further stated that her husband was inside the house at the relevant time and, on hearing the noise and commotion, she came outside and personally witnessed the aforesaid persons demolishing the wall. She also disclosed that the incident had been recorded by the CCTV camera installed outside their house and that her son had retrieved the footage and handed over the same to the Investigating Officer in a pen drive. Thus, the statement of Anita contains specific

allegations regarding the participation of Jagdish, Dharmendra, Rajendra, Chhotu alias Narendra, Lalji and Anil in the alleged occurrence.

10. So far as applicant nos. 1 to 6, namely, Jagdish, Dharmendra, Rajendra, Chhotu @ Narendra, Lalji and Anil, are concerned, the statement of Anita, who claims to have witnessed the incident, specifically attributes to them the act of abusing, extending threats and demolishing the wall. At this stage, the aforesaid statement cannot be discarded merely on the ground that the parties are related or that a property dispute exists between them. The truthfulness and evidentiary value of her statement are matters to be examined during trial. The material collected during investigation, particularly the specific allegations made by Anita, prima facie discloses the involvement of the aforesaid six accused persons in the alleged occurrence. Consequently, no ground for interference with the criminal proceedings against them is made out in exercise of the inherent jurisdiction of this Court and the instant applciation against them stands dismissed.

11. However, so far as applicant no. 7 Sangeeta and applicant no. 8 Suresh are concerned, this Court finds that the allegations attributed to them in the statement of Anita do not inspire sufficient confidence to justify their prosecution. Although Anita has stated that Sangeeta was instigating the other accused persons and Suresh was assisting them, the surrounding circumstances, particularly the fact that the alleged incident took place during nighttime and in darkness, coupled with the absence of any independent and reliable material specifically corroborating their alleged individual roles, make their implication doubtful. Significantly, Anita herself stated that owing to darkness, she could clearly identify only those persons whom she had named and could not confirm the presence of several other persons mentioned in the F.I.R. In the absence of reliable corroborative material establishing their specific participation, continuation of criminal proceedings against Sangeeta and Suresh would amount to an abuse of the process of law.

12. It is settled that while exercising jurisdiction under Section 528 B.N.S.S., this Court is required to examine whether the allegations and material collected during investigation disclose a prima facie case against the accused. At the same time, where the material available on record does not inspire confidence regarding the specific involvement of an accused and continuation of the proceedings would result in abuse of the process of law, this Court would be justified in exercising its inherent jurisdiction to secure the ends of justice.

13. Accordingly, the instant application is partly allowed.

14. The charge-sheet dated 29.10.2025, the cognizance/summoning order dated 31.03.2026 and the entire proceedings of Criminal Case No.

34837 of 2026 (State vs. Jagdish and others), arising out of Case Crime No. 292 of 2025, under Sections 191(2), 352, 351(3) and 324(4) of the Bharatiya Nyaya Sanhita, 2023, Police Station Maharajpur, District Kanpur Nagar, pending before the court concerned, insofar as they relate to applicant no. 7 Sangeeta wife of Lalji and applicant no. 8 Suresh son of Nanhku Kewat, are hereby **quashed.**

15. The application, insofar as it relates to applicant no. 1 Jagdish, applicant no. 2 Dharmendra, applicant no. 3 Rajendra, applicant no. 4 Chhotu @ Narendra, applicant no. 5 Lalji and applicant no. 6 Anil, lacks merit and is accordingly **dismissed.**

(Madan Pal Singh,J.)

November 18, 2026
pks

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