2026:AHC:210893

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 43500 of 2026

Devraj Singh And 4 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Amit Kumar, Brij Raj
Counsel for Opposite Party(s)	:	G.A.

Court No. - 76

HON'BLE SAURABH SRIVASTAVA, J.

1. Heard learned counsel for applicants and Sri Sudhir Dixit, learned Senior Counsel assisted by Sri Anupam Shyam Dwivedi, 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 chargesheet dated 29.08.2025 and cognizance order dated 20.11.2025 alongwith entire proceedings of Criminal Case No. 446 of 2025 (State vs. Devraj Singh and others), arising out of Case Crime No. 285 of 2025, under Sections 191(2), 318(4), 316(2), 352, 351(3) BNS, Police Station- Mahuwakhera, District- Aligarh, pending before learned Judicial Magistrate/Additional Civil Judge (J.D.), Court No.2, Aligarh.

3. At the very outset, learned Senior Counsel appearing on behalf of opposite party no.2 apprised the Court that applicants are having criminal history of certain other 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. Lastly, learned counsel for applicants has apprised the Court that charges have not been framed till date.

8. Considering the said position, learned court concerned is hereby directed to consider the judgment rendered by Hon'ble the Apex Court in the case of **Delhi Race Club (1940) Ltd. and others vs. State of Uttar Pradesh and another reported in 2024 10 SCC 690** at the time of framing of charges.

(Saurabh Srivastava,J.)

October 7, 2026
Vivek Kr.

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