HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 44353 of 2026

Shubham Dhama And 2 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Sudhir Kumar
Counsel for Opposite Party(s)	:	Ashish Tyagi, G.A.

Court No. - 76

HON'BLE SAURABH SRIVASTAVA, J.

1. Heard Sri Sudhir Kumar, learned counsel for the applicants, Sri Ashish Tyagi, learned counsel for opposite party number 2 and learned A.G.A. for State.

2. Present application has been preferred with the prayer to quash the chargesheet dated 07.12.2025 and cognizance/summoning order dated 19.01.2026 along with entire criminal proceedings of Case No.4690 of 2026, arising out of Case Crime No.267 of 2025, under Sections 115(2), 352, 118(1) BNS, P.S. Mundali, District Meerut, pending before learned Additional Chief Judicial Magistrate, Court No.3, Meerut.

3. Sri Sudhir Kumar, learned counsel for the applicants, drew the attention of the Court to the narration of the FIR, which clearly indicates that incident dated 10.08.2024 was reported through an FIR registered as Case Crime Number 267 of 2025 on 28.11.2025. Learned counsel for the applicant also submitted that it is the specific case of opposite party No.2 that she has been residing at her native place since 10.10.2024. It was further submitted by learned counsel for the applicant that matrimonial dispute is persisting between the parties and that the instant application has been filed on malicious grounds, solely with the intention of implicating the applicants in criminal proceedings. Learned counsel for applicants submitted that on the basis of material available on record, which clearly shows that date of the incident mentioned in the narration of the FIR is 10.08.2024 and that opposite party number 2 was forcibly ousted from her in-laws' place on 10.10.2024, where-after she has been residing at her native place. However, even though information was submitted before the concerned police station

on 04.10.2025, there was a delay of more than one year.

4. Learned counsel for applicants further submitted that if there is hardly any allegation levelled against applicants then under which circumstance, the concerned Investigating Officer submitted chargesheet against them whereupon without applying its judicial mind, learned court concerned took cognizance of offence over the said chargesheet which is bad in the eye of law and as such, same may be quashed.

5. Shri Ashish Tyagi, learned counsel for opposite party No.2 as well as learned A.G.A. for State, although vehemently opposed the prayer made by learned counsel for the applicants, but could not dispute the facts narrated in the FIR. He further submitted that, apart from the complaint preferred on 04.10.2025, another case has been registered in respect of the same incident, in which the applicants have been implicated. However, the specific sections were not invoked against the applicants at the time of taking cognizance of the offence by the learned court concerned.

6. After hearing the rival contentions advanced by learned counsel for the parties, and considering the entire allegations levelled against the applicants have also been disputed by learned counsel for opposite party No. 2, hence, the chargesheet dated 26.01.2023 and cognizance/summoning order dated 25.08.2023 along with entire criminal proceedings of Case No.26529 of 2023 (State Vs. Hemlata and others), arising out of Case Crime No. 16 of 2023, under Sections 384, 120-B IPC, P.S.- Hari Parvat, District Agra, pending in the court of learned Chief Judicial Magistrate, Agra, are hereby **quashed**

7. The application stands **allowed.**

8. However, it is made clear that opposite party number 2 shall be at liberty to avail herself of all other remedies available under law.

October 28, 2026
Ashish/-

(Saurabh Srivastava,J.)

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