HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 43758 of 2026

Rahul Patel

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Manish Kumar Pandey, Rajesh Kumar Maddheshiya
Counsel for Opposite Party(s)	:	Amit Kumar Srivastava, G.A.

Court No. - 76

HON'BLE SAURABH SRIVASTAVA, J.

1. Heard learned counsel for applicant, Sri Amit Kumar Srivastava, learned counsel for opposite party no. 2 and learned AGA for State.

2. Present application has been preferred with the prayer to quash the chargesheet dated 6.7.2025 and cognizance/summoning order dated 18.4.2026 passed by learned Chief Judicial Magistrate, Bareilly as well as entire proceedings of Case no. 689 of 2026 (State of U.P. vs. Mukesh and others) arising out of Case Crime no. 682 of 2024, under Sections 191(2), 191(3), 190, 109, 61(2) BNS, P.S.- Ijjatnagar, District Bareilly.

3. On perusal of the narration of FIR as well as impugned order and chargesheet, this Court does not find it to be a case where interference of this Court is required. No such ground appears to be available in the present application, on the basis of which, impugned order, chargesheet and entire proceeding, can be set aside.

4. Accordingly, the prayer sought through the instant application, is refused.

5. Learned counsel for applicant lastly contended that after considering the medico-legal examination conducted over the injured along with supplementary report submitted by concerned radiologist there is hardly any attraction of Section 109 BNS whereas applicant has been summoned in pursuance to sections 191(2), 191(3), 190, 61(2) BNS along with Section 109 BNS.

6. Considering the above mentioned arguments as well as rebuttal made by Sri Amit Kumar Srivastava, learned counsel for opposite party no. 2, this Court finds that for the aforementioned argument, the remedy available before the applicant is for preferring a discharge application before learned court concerned. Applicant is hereby at liberty to prefer discharge application for seeking discharge in respect of section 109 BNS which is contended to be not attracted as per material available through instant application. The discharge application be preferred at the behest of applicant, if advised, within **15 days from today** and the same shall be decided within four weeks thereafter.

7. The instant application u/s 528 BNSS stands **disposed of.**

(Saurabh Srivastava,J.)

November 2, 2026
Shaswat

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