HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 44562 of 2026

Ramchandra Pandey And 4 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s) : Dharmaveer Singh, Saroj Kumar Dubey
Counsel for Opposite Party(s) : G.A.

Court No. - 76

HON'BLE SAURABH SRIVASTAVA, J.

1. Heard learned counsel for applicants and learned AGA for State.

2. Present application has been preferred with prayer to quash chargesheet dated 25.03.2013 and summoning order dated 17.06.2013 along with entire criminal proceeding of Case no. 243 of 2023 (State vs. Ramchandra Pandey and others), arising out of Case Crime no. 156 of 2013, under Section 188 IPC, PS- Madhuban, District Mau, pending in the court of learned Gram Nyayalay Madhuban, Mau.

4. Learned counsel for the applicant submits that under the provisions of Section 195 Cr.P.C., there is complete bar for taking cognizance for an offene under Section 188 IPC except on the complaint made by public servant. It is further submitted that no FIR could have been registered under Section 188 IPC, but in the present case, not only FIR was registered for offence under Section 188 IPC but the police also filed charge sheet. The submission of learned counsel for the applicants is that submission of the charge sheet and taking cognizance and initiation of the criminal proceedings against the applicants for offence under Sections is against the express provisions of Section 195 Cr.P.C. and, therefore, void ab-initio.

5. Learned A.G.A. does not dispute the aforesaid legal proposition advanced by learned counsel for applicants.

6. Considering the facts, circumstances and law and the scope of the provisions of Section 195 Cr.P.C., this Court is of the view that no cognizance could have been taken on the charge-sheet submitted by the investigating agency on the basis of the FIR lodged under section 188 IPC as

no investigation could have been carried out for offence under Section 188 IPC.

7. In view thereof, chargesheet dated 25.03.2013 and summoning order dated 17.06.2013 along with entire criminal proceeding of Case no.243 of 2023 (State vs. Ramchandra Pandey and others), arising out of Case Crime no. 156 of 2013, under Section 188 IPC, PS- Madhuban, District Mau, pending in the court of learned Gram Nyayalay Madhuban, Mau, are set aside.

8. Accordingly, the instant application is **allowed**.

9. However, it is made clear that this order shall not preclude the authorities concerned to initiate fresh proceedings against applicants by way of preferring complaint case, if required, in accordance with law.

October 23, 2026
Vivek Kr.

(Saurabh Srivastava,J.)

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