HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 45881 of 2026

Nirdosh Chaudhary

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Aditya Prasad Mishra
Counsel for Opposite Party(s)	:	G.A.

Court No. - 76

HON'BLE SAURABH SRIVASTAVA, J.

1. Heard learned counsel for applicant and learned AGA appearing on behalf of opposite party nos.1 and 2.

2. The instant application has been preferred for seeking quashing of impugned charge-sheet dated 30.07.2020 along with cognizance/summoning order dated 01.01.2022 and the entire proceedings of Criminal Case No.712 of 2022 (State vs. Nirdosh Chaudhary) under section 174A IPC, arising out of Case Crime No.551 of 2019, P.S. Kasna, District- Gautam Buddh Nagar, pending before learned court of Additional Chief Judicial Magistrate, Court No.II, Gautam Buddh Nagar.

3. At the very outset, learned counsel for applicant submits that the cause of action for implicating the applicant in Case Crime No.551 of 2019 in pursuance to section 174A IPC has already been stayed vide order dated 15.03.2019 passed by co-ordinate Bench of this Court in Application u/s 482 Cr.P.C. No.10437 of 2019 and the same has been considered by learned court of Special Judge (Anti Corruption Act), Court No.2, Meerut vide order dated 16.04.2019, but the FIR has been registered on dated 30.06.2019 without considering the order dated 16.04.2019. Learned counsel for applicant further submitted that it is apparent illegality on the face of record that the entire proceeding has been initiated against the applicant is without considering the order dated 16.04.2019 wherein the specific order passed by co-ordinate Bench of this Court has already been mentioned i.e. 15.03.2019.

4. Learned counsel for applicant also submitted that the proceedings under Section 174-A IPC pending against applicant before learned court

concerned, is based upon an FIR, therefore the same is unsustainable in the eyes of law particularly in view of provisions as envisaged under Section 195 IPC. In support of his submission, learned counsel for applicant relied upon a judgment rendered by Division Bench of this Court in ***Criminal Misc. Writ Petition No. 17560 of 2023 (Sumit And Another vs. State of U.P. And 2 Others)*** wherein, it has been held that proceedings under Section 174-A IPC can be initiated only on the basis of written complaint of the Court and not on the basis of Police report.

5. Per contra, learned AGA vehemently opposed the prayer sought through instant application, but at the same time did not dispute the above legal and factual submissions made by learned counsel for applicant.

6. In view of aforementioned facts and circumstances of the case, the entire proceedings of Criminal Case No.712 of 2022 (State vs. Nirdosh Chaudhary) under section 174A IPC, arising out of Case Crime No.551 of 2019, P.S. Kasna, District- Gautam Buddh Nagar, pending before learned court of Additional Chief Judicial Magistrate, Court No.II, Gautam Buddh Nagar, including charge-sheet dated 30.07.2020 along with cognizance/summoning order dated 01.01.2022, is hereby **set-aside**.

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

October 28, 2026
Saif

(Saurabh Srivastava,J.)

Digitally signed by :-
SHAIKH SAIF ABDIN
High Court of Judicature at Allahabad