2026:AHC:227690

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 49371 of 2025

Rahul Tripathi

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Ramesh Kumar Shukla, Vivek Kumar Shukla
Counsel for Opposite Party(s)	:	Ajay Kumar Pandey, G.A.

Court No. - 79

HON'BLE MADAN PAL SINGH, J.

1. Heard learned counsel for the applicant, learned AGA for the State, learned counsel for the complainant and perused the record.

2. The present applicant has been filed to quash the entire proceeding of Criminal Case No.55876 of 2025 arising out of Case Crime No.259 of 2023, under Sections 147, 323, 336, 325 IPC, Police Station Badagaon, District Varanasi as well as impugned charge sheet dated 20.09.2023 and summoning order dated 24.10.2025 passed by learned ACJM (J.D.) 4, Varanasi.

3. Learned counsel for the applicant submits that no offence is made out against the applicant and that the present prosecution has been instituted with a mala fide intention to cause harassment.

4. In the absence of any of the grounds recognized by the Supreme Court which may justify the quashing of the complaint or the impugned proceedings, the prayer for quashing the same is refused, as no abuse of the process of the Court is made out. The summoning court is vested with sufficient powers to discharge the accused even before the stage of framing of charges, if, for reasons to be recorded, it considers the charge to be groundless.

5. As requested, the applicant is permitted to appear before the concerned court within 30 days from today through counsel and move an application seeking discharge.

6. No coercive measures shall be adopted against the applicant for a period of 30 days from today or till the filing of the discharge application,

whichever is earlier.

7. If the concerned court, after hearing the counsel for the accused, is persuaded to take the view that the accused ought not to have been summoned and that the charge is groundless, it shall not abstain from discharging the accused merely on the ground that the material available at the time of summoning is the same as that available at the time of consideration of the discharge application.

8. On the other hand, if the court, after hearing the counsel for the accused, holds the view that the accused has been rightly summoned and that the material on record does not indicate the charges to be groundless, it shall pass an order to that effect and proceed further in the matter in accordance with law. It shall also be at liberty to adopt such measures as are permissible in law to secure the presence of the accused.

9. With the aforesaid observations, this application stands **disposed of**.

November 2, 2026
Ajeet

(Madan Pal Singh,J.)

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