2026:AHC:207506

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 50208 of 2025

Rajeev Khare

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s) : Sachchida Nand Ojha, Vikas Srivastava
Counsel for Opposite Party(s) : G.A.

Court No. - 79

HON'BLE MADAN PAL SINGH, J.

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

2. The present application has been filed to quash the cognizance order dated 05-07-2016 as well as the entire proceedings of Case No. 35370 of 2016, arising out of Case Crime No. 150 of 2015, under Sections 420, 467, 468, 471 and 406 IPC, Police Station Naubasta, District Kanpur Nagar.

3. Learned counsel for the applicants submits that no offence is made out against the applicants 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 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 applicants are permitted to appear before the concerned court within 20 days from today through counsel and move an application seeking discharge.

6. No coercive measures shall be adopted against the applicants for a period of 20 days from today or till the filing of the discharge application, whichever is earlier.

7. The court concerned, while deciding the discharge application, if so filed by learned counsel for the applicants, shall take note of the guidelines issued by the Hon'ble Supreme Court in ***Delhi Race Club (1940) Ltd. vs. State of Uttar Pradesh and Another, (2024) 10 SCC 690,*** that the offences under Sections 406 and 420 IPC cannot ordinarily co-exist on the same set of allegations.

8. In case the applicant or his counsel does not appear to press the discharge application despite being afforded an opportunity by the trial court, the trial court shall proceed to decide the same on merits after considering the material available on record.

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

(Madan Pal Singh,J.)

October 5, 2026
pks

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