



2026:AHC:173062

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 1095 of 2026

Akshay Kumar Gupta

.....Applicant(s)

Versus

State Of U.P. And 2 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Sr. Advocate, Tarun Agarwal, Umesh Chandra Shukla
Counsel for Opposite Party(s) : Mithilesh Kumar Shukla, Nikhil Singh, G.A.

Court No. - 81

HON'BLE MADAN PAL SINGH, J.

1. Heard Sri Amit Daga, learned Senior Advocate, assisted by Sri Umesh Chandra Shukla, learned counsel for the applicant, Sri Mithilesh Kumar Shukla, learned counsel for opposite party No. 2 and learned A.G.A. for the State, and perused the material available on record.
2. The present application under Section 528 of the B.N.S.S. has been filed seeking quashing of the charge-sheet dated 01.11.2024, the cognizance/summoning order dated 08.11.2024, as well as the entire proceedings of Criminal Case No. 14847 of 2024 (State of U.P. Vs. Arshit Agarwal and others), arising out of Case Crime No. 220 of 2024, under Sections 313, 120-B, 342, 307, 504, 506 and 328 I.P.C., Police Station Pilkhuwa, District Hapur, pending before the Court of the Chief Judicial Magistrate, Hapur.
3. As per the prosecution case, the informant married his daughter namely, Sakshi Mittal to applicant namely Akshay Kumar Gupta on 03.07.2021. After the marriage, the applicant stated that he did not like the daughter of the informant and that he was in love with one Priyanka Garg and thereafter subjected her to harassment. During her pregnancy, the applicant administered certain medicines to her, resulting in miscarriage. Thereafter the applicant and other accused persons conspired to cause her miscarriage and to kill her by administering slow poison. On 25.03.2024, the victim allegedly found Instagram chats on the applicant's mobile phone which revealed the

alleged conspiracy. On 01.04.2024, the applicant and co-accused Amit Bansal confined victim in a room and attempted to strangle her with a rope. Thereafter, the applicant allegedly left to the victim at Pilkhuwa and threatened her with dire consequences if she disclosed the incident. Thereafter, the victim informed her father about the incident who, on the basis of the allegations and the alleged Instagram chats, lodged the present F.I.R.

4. Learned counsel for the applicant submits that the F.I.R. was lodged on 01.05.2024 after a delay of one month from the alleged incident dated 01.04.2024 and is based on false and fabricated grounds, with an ulterior motive to harass the applicant. It is further submitted that the applicant made every effort to maintain cordial relations with his wife and to fulfil her demands, but despite his efforts, she insisted that the applicant live separately from his family.
5. It is next submitted that the applicant repeatedly requested his wife to return her matrimonial home, but she did not return and thereafter, the applicant was falsely implicated in the present case. Learned counsel further submits that the medical evidence does not specifically connect the applicant with the alleged injuries and that the subsequent medical report appears to have been manipulated as there is no cogent medical or other evidence to establish that the applicant caused or was responsible for the alleged missed abortion or compelled the victim to terminate her pregnancy. The alleged missed abortion has not been connected with any illegal act attributable to the applicant. It is, therefore, submitted that no offence is made out against the applicant on this count.
6. Learned counsel for the applicant further submits that the prosecution story itself shows that the allegations against the applicant are primarily based on the alleged Instagram chats and the subsequent allegations made by the victim. It is submitted that although the prosecution alleges that the applicant administered medicines resulting in miscarriage and thereafter conspired with the co-accused to cause miscarriage and kill the victim by administering slow poison, there is no cogent medical evidence establishing that the alleged miscarriage was caused by any act of the applicant.

7. It is further submitted that the allegation regarding the incident dated 01.04.2024, wherein the applicant allegedly confined the victim and attempted to strangle her is not supported by reliable medical evidence connecting the applicant with the alleged injuries. Although the injury report reflects, the injuries of the victim are fresh injuries and refers the injured to a higher medical centre, it does not establish the specific role of the applicant.
8. Learned counsel for opposite party no. 2, opposed the submission advanced by learned counsel for the applicant and submits that the allegations made in the F.I.R. are specific and serious in nature and disclose the commission of cognizable offences against the applicant. It is submitted that after marriage, the applicant subjected his wife to harassment and during her pregnancy, administered some medicines resulting in miscarriage. Thereafter, the applicant, in conspiracy with the co-accused, allegedly attempted to cause her miscarriage and to eliminate her by administering slow poison.
9. It is further submitted by learned counsel for the opposite party no. 2 that on 25.03.2024, the alleged victim found Instagram chats on the applicant's mobile phone which revealed the alleged conspiracy. Thereafter, on 01.04.2024, the applicant and co-accused Amit Bansal allegedly confined the victim in a room and attempted to strangle her with a rope. Thereafter, the applicant allegedly left her at Pilkhuwa and threatened her with dire consequences if she disclosed the incident.
10. Learned counsel next submits by learned counsel for the opposite party no. 2 that the delay in lodging the F.I.R. is sufficiently explained and on the basis delay in lodging the FIR cannot a ground for quashing the proceedings at this stage. It is submitted that the medical evidence, statements of the victim and other witnesses, and the material collected during investigation prima facie support the prosecution case. The disputed questions regarding the genuineness of the medical report, the alleged miscarriage and the Instagram chats are matters of evidence and cannot be adjudicated in proceedings under Section 528 B.N.S.S. The independent witness Manish Goyal stated in his statement recorded during investigation, the applicant was allegedly harassing victim and he was in a relationship with one Priyanka Garg and had allegedly given some medicine to the victim, after which she suffered a

miscarriage and the victim was being harassed by her matrimonial family including her husband

11. It is also submitted that the screenshots of the Instagram chats disclose relation between the applicant and Priyanka Garg regarding not bringing Sakshi back from her parental home, ending the marriage.
12. Having heard learned counsel for the parties and perused the material available on record, this Court finds that the allegations made in the F.I.R. are specific and serious in nature. The prosecution case is supported by the statement of the victim, the statement of independent witness Manish Goyal, the medical material and the screenshots of the Instagram chats collected during investigation.
13. The contention of learned counsel for the applicant that there is no medical evidence, the applicant with the alleged miscarriage or injuries and that the medical report has been manipulated involves disputed questions of fact, which cannot be adjudicated in proceedings under Section 528 B.N.S.S. Similarly, the genuineness and evidentiary value of the Instagram chats, as well as the defence version of the applicant, are subject matters of trial which shall be adjudicated on the basis of evidence. From the statement of the independent witness Manish Goyal recorded under Section 161 Cr.P.C. in which it is stated that applicant was harassing the victim and that she suffered a miscarriage after being administered medicines. The alleged Instagram chats also prima facie disclose discussions regarding the victim, dissolution of the marriage, the relationship between the applicant and Priyanka Garg and the alleged miscarriage. These materials, at this stage, cannot be brushed aside.
14. It is settled that while exercising jurisdiction under Section 528 B.N.S.S., this Court is not required to conduct a detailed appreciation of evidence or examine the defence of the accused as if conducting a trial. At this stage, the Court is required only to examine whether the allegations and the material collected during investigation prima facie disclose the commission of the alleged offences.
15. The principles governing the exercise of inherent jurisdiction of the High Court for quashing criminal proceedings have been settled by the Apex Court in the following judgments:

- (i) R.P. Kapur Vs. State of Punjab, A.I.R. 1960 S.C. 866;**
- (ii) Kurukshetra University Vs. State of Haryana, (1977) 4 SCC 451;**
- (iii) State of West Bengal Vs. Swapan Kumar Guha, (1982) 1 SCC 561;**
- (iv) Dhanalakshmi Vs. R. Prasanna Kumar, 1990 Supp SCC 686;**
- (v) State of Haryana & Others Vs. Bhajan Lal, 1992 Supp (1) SCC 335;**
- (vi) State of Bihar Vs. P.P. Sharma, 1992 Supp (1) SCC 222;**
- (vii) B.S. Joshi Vs. State of Haryana, (2003) 4 SCC 675;**
- (viii) Sanapareddy Maheedhar Seshagiri & Another Vs. State of Andhra Pradesh & Another, (2007) 13 SCC 165;**
- (ix) State of Telangana Vs. Habib Abdullaha Jilani & Others, (2017) 2 SCC 779; and**
- (x) M/s Neeharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra & Others, AIR 2021 SC 1918.**

16. In view of the settled legal position and the facts and circumstances of the present case, this Court finds no merit in the present application. There is no material on record to demonstrate that the F.I.R. or the criminal proceedings are mala fide, frivolous or vexatious. The allegations, taken at their face value, prima facie disclose the commission of cognizable offences and, therefore, interference at the threshold is not warranted.

17. Consequently, the prayer for quashing the charge-sheet dated 01.11.2024, the cognizance/summoning order dated 08.11.2024 and the entire consequential proceedings of Criminal Case No. 14847 of 2024 is refused.

18. Accordingly, the application is rejected.

August 17, 2026
Akbar

(Madan Pal Singh,J.)