



2026:AHC:175899

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 12269 of 2026

Devendra Kumar Sharma

.....Applicant(s)

Versus

State of U.P. and another

.....Opposite

Party(s)

Along with :

1. Application U/s 482 No. 8068 of 2005:

Girish Pachauri

Versus

State of U.P. and others

2. Application U/s 482 No. 35918 of 2023:

Girish Pachauri

Versus

State of U.P. and 3 others

Counsel for Applicant(s)	: Paritosh Shukla, S.n. Tiwari, Santosh Kumar Tiwari, Shantanu, Shashwat Shukla, Surendra Nath Tiwari
Counsel for Opposite Party(s)	: G.A., Govt. Advocate, Prakash Chandra Srivastava, Rahul Kumar Sharma, Vishnu Prakash

Court No. - 76

HON'BLE SAMIT GOPAL, J.

(I) Order in Application U/S 528 BNSS No. 12269 of 2026

1. List revised.

2. Heard Sri Paritosh Shukla, learned counsel for the applicant, Sri Prakash Chandra Srivastava, learned counsel for the opposite party no.2 and Sri Ajay Singh, learned A.G.A.-I for the State and perused the records.

3. This application under Section 528 B.N.S.S. has been filed by the applicant- Devendra Kumar Sharma, with the following prayer:-

"It is therefore most respectfully prayed that this Hon'ble court may graciously be pleased to quashing the entire proceedings as well as charge sheet dated 30.11.2004 as well as cognizance and summoning order dated 17.12.2004 passed by Civil Judge (J.D.)/J.M. Hathras, in criminal case no. 448 of 2004 (State v/s

Devendra Sharma) arising out of case crime no. 126 of 2003 under sections 409, 420, 467, 468, 471 I.P.C. (Police Station Chandpa District Hathras, pending in the court of Civil Judge (J.D.)/F.T.C.-I Hathras.

It is further prayed that this hon'ble Court may graciously be pleased to stay the further proceedings in criminal case no. 448 of 2004 (State v/s Devendra Sharma) arising out of case crime no. 126 of 2003 under sections 409, 420, 467, 468, 471 I.P.C. (Police Station Chandpa District Hathras, pending in the court of Civil Judge (J.D.)/F.T.C.-I Hathras, otherwise the applicant shall suffer irreparable loss and injury."

4. Learned counsel for the applicant submits that the stage of trial at the present moment is that subsequent to framing of charge the trial has started and evidence of one witness as P.W.-1 has been recorded. He submits that there is another first information report of the same incident and the said matter should be connected with this matter and decided together but the said prayers have not been made in the present matter. He submits that the present application u/s 528 B.N.S.S. be dismissed as withdrawn as he shall seek the appropriate remedy available under law before the appropriate Court.

5. Prayer is allowed.

6. This application u/s 528 B.N.S.S. is dismissed as withdrawn.

7. The records do not show passing of any Interim order in the matter.

(II) Order in Application U/s 482 No. 8068 of 2005

1. List revised.

2. No one appears on behalf of the applicants to press this application u/s 482 Cr.P.C. despite the fact that there are two learned counsels appearing in the matter. Sri Rahul Kumar Sharma, learned counsel for the private respondent is also not present even when the matter is taken in the revised list. Sri Ajay Singh, learned A.G.A.-I for the State is present.

3. The Vakalatnama of Sri Rahul Kumar Sharma, learned counsel for the private respondent is not on record. Office to trace out the same and place it on record and make a note in the order-sheet about it.

4. This matter is connected with Application U/S 528 BNSS No. 12269 of 2026 (Devendra Kumar Sharma Vs. State of U.P. and Another) in compliance of order dated 12.08.2026 passed by a co-ordinate Bench of this

Court.

5. This application U/S 482 Cr.P.C. has been filed by the applicant- Girish Pachauri, with the following prayer:-

"It is therefore, most respectfully prayed that this Hon'ble court may be pleased that further proceeding in case no:-463 of 2004 State Versus Girish Pachauri pending in the court of Civil Judge (Junior Division) Hathras in crime no:-45/2001 under section 409/467/468/and 471 I.P.C. may be stayed during the pendency of the present case. It is further expedient in the interest of justice that this Hon'ble court may be pleased that the arrest of the applicant in crime no:-45/2001 under section 409/467/468/ and 471 I.P.C. Police Station Chandapa District Hathras may be stayed, and the aforesaid case may be allowed. Ot it may be passed such order which may deem fit for the circumstances of the case."

6. Notice on behalf of the Opposite Party Nos. 1, 3, 4 has been accepted by the learned State counsel.

7. Learned counsel for State submits that this petition is not maintainable as the same only contains the prayer of stay of proceedings of the trial court and further stay of arrest of the applicant without any final prayer.

8. Since there is no representation from the side of the applicant, this application under Section 482 Cr.P.C. is dismissed for non prosecution.

9. Interim order, if any, stands vacated.

10. Office is directed to communicate this order to the concerned court within two weeks from today.

11. Pending application (s), if any, shall stand disposed of.

(III) Order in Application U/s 482 No. 35918 of 2023

1. List revised.

2. No one appears on behalf of the applicant to press this application u/s 482 Cr.P.C. despite the fact that there are three learned counsels appearing in the matter. Sri Ajay Singh, learned A.G.A.-I for the State is present.

3. This matter is connected with Application U/S 482 No. 8068 of 2005 (Girish Pachauri Vs. State of U.P. and 3 others) in compliance of order dated 16.10.2023 passed by a co-ordinate Bench of this Court.

4. This application U/S 482 Cr.P.C. has been filed by the applicant- Girish

Pachauri, with the following prayer:-

"It is, prayed that most therefore, respectfully may this Hon'ble Court graciously be pleased to quash the impugned non bailable warrant dated 29.08.2023 passed by learned Additional Chief Judicial Magistrate-4th/Judicial Magistrate Hathras in case no. 947/2023 case crime no.45/2001 (State Vs. Girish Pachauri Police) under Section 409, 471, 468, 460 IPC Station-Chandapa, District Hathras pending before learned Additional Chief Judicial Magistrate-4th/Judicial Magistrate Hathras as well as entire criminal proceeding of case no. 947/2023 case crime no.45/2001 (State Vs. Girish Pachauri) Police under Section 409, 471, 468, 460 IPC Station-Chandapa, District Hathras pending before learned Additional Chief Judicial Magistrate-4th/ Judicial Magistrate Hathras.

It is further prayed that this Hon'ble to the further be pleased stay Court may 947/2023 case crime proceeding of case no. no.45/2001 (State Vs. Girish Pachauri) under Police Station-Section 409, 471, 468, 460 IPC, Police Station Chandapa, District Hathras pending before learned Additional Chief Judicial Magistrate-4th/ Judicial Magistrate Hathras during the pendency of this criminal misc. application before this Hon'ble Court. And/ or pass such other and further order which this Hon'ble court may deem fit and proper in the circumstances of the case."

5. Since there is no representation from the side of the applicant, this application under Section 482 Cr.P.C. is dismissed for non prosecution.

9. The records do not show passing of any interim order.

10. Office is directed to communicate this order to the concerned court within two weeks from today.

11. Pending application (s), if any, shall stand disposed of.

August 20, 2026
AS Rathore

(Samit Gopal,J.)