



2026:AHC:170406

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 770 of 2026

Amandeep Singh

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Sharad Chand Rai
Counsel for Opposite Party(s)	:	G.A., Vibhav Pandey

Court No. - 81

HON'BLE MADAN PAL SINGH, J.

1. Personal affidavit filed by Mr. Dinesh Kumar Singh (I.P.S.), Senior Superintendent of Police, Bulandshahr in the Court today is taken on record.
2. Heard Mr. Sharad Chand Rai and Mr. Rishabh Kumar, learned counsel for the applicant, Mr. Vibhav Pandey, learned counsel for opposite party no.2 and the learned A.G.A. for the State.
3. This application under Section 528 B.N.S.S. has been filed with a prayer to quash the charge-sheet dated 7th March, 2020, cognizance/summoning order dated 23rd December, 2020, consequential summoning order dated 10th November, 2022 as well as the entire proceedings of the Criminal Case No. 7425 of 2020 (State Vs. Amandeep Singh), arising out of Case Crime No. 702 of 2017, under Sections 279, 337 and 427 I.P.C., Police Station-Gulawathi, District-Bulandshahr, pending in the Court of Additional Chief Judicial Magistrate, (Junior Division)-III, Bulandshahr.
4. The brief facts are that a first information report has been lodged by opposite party no.2 on 5th December, 2017 against the unknown driver of Vehicle No. UP 16 AP 3697 by alleging therein that on 30th November, 2017 at 10:30 a.m., he was returning home along with his four family memvbers from his Scorpio Car S10 bearing No. UK 06 AJ 3948 after attending wedding ceremony of his nephew. When he reached in front of village Baraal Electricity House, then Car No. UP 16 AP 3697 was coming from front. The driver of the said car was driving recklessly and hit the car of the informant/opposite party no.2 from the front, due to which the front wheel of his car got spoiled and fell into a deep ditch and resultantly, the family members of the informant/opposite party no.2 got seriously injured, then the informant/opposite party no.2 took them to the hospital for treatment and because of the same he has lodged the first information report after five days i.e. 5th December, 2017. After the

lodging of the first information report, the investigation proceeded and after completion of the same, the Investigating Officer submitted the charge-sheet against the applicant on 7th March, 2020, on which order of taking cognizance and summoning the applicant has been passed by the concerned Magistrate on 23rd December, 2020 and after that a consequently summoning order has also been passed on 10th November, 2022, hence the present application has been filed by the applicant.

5. Learned counsel for the applicant submits that the applicant is not named in the first information report. On 30th November, 2017, when the alleged Car No. UP 16 AP 3697 met with an accident with the car of the informant/opposite party no.2 i.e. Scorpio Car S10 bearing No. UK 06 AJ 3948, the owner of the said car i.e. Car No. UP 16 AP 3697 was Mrs. Anita Tripathi wife of Mr. G.C. Tripathi. The applicant has purchased the said car from Mrs. Anita Tripathi on 14th February, 2019 as per the Transfer Registration Certificate of Car No. UP 16 AP 3697 and also as per the information received by the applicant under Right To Information Act dated 25th September, 2023, copies of which have been enclosed as Annexure Nos. 5 and 6 to the affidavit accompanying the present application. Learned counsel for the applicant further submits that the brother of the applicant, namely, Baljeet Singh and Mrs. Anita Tripathi entered into a registered agreement on 17th January, 2018 for the responsibility and liability of the vehicle no. UP 16 AP 3697, by which the first party i.e. Mrs. Anita Tripathi will be responsible for the vehicle before 17th November, 2018 and the second party i.e. Baljeet Singh will be responsible for the Chalan, Insurance, Police Incident and other charges of the vehicle, a copy of which has been enclosed as Annexure No. 4 to the affidavit accompanying the present application. Learned counsel for the applicant lastly submits that for the same incident dated 30th November, 2017, Mrs. Anita Tripathi, owner of vehicle no. UP 16 AP 3697 at the relevant date has lodged a first information report against the driver of Scorpio Car S10 bearing No. UK 06 AJ 3948 i.e. car of opposite party no.2, which has been registered as Case Crime No. 700 of 2017 under Sections 279, 337 and 427 I.P.C.

6. On the above premise, learned counsel for the applicant submits that the Investigating Officer without collecting any evidence and without considering the facts and circumstances of the case with mala fide intention has submitted the charge-sheet against the applicant on 7th March, 2020 and also the concerned Magistrate without applying his judicial mind on facts and law, without considering the facts and circumstances of the case and also without perusing the relevant papers has taken cognizance on the said charge-sheet on 23rd December, 2020, which is per se illegal.

7. On the above premise, learned counsel for the applicant submits that since not only the impugned charge-sheet but also the entire proceedings of the aforesaid criminal case are illegal, therefore, the same are liable to be set aside.

8. On the other-hand, learned A.G.A. and the learned counsel for the opposite party no.2 could not dispute the above submission made by the learned counsel for the applicant.

9. I have considered the facts and circumstances of the case, the submission made by the learned counsel for the applicant and the learned A.G.A. and perused the material available on recording including the impugned order framing charges against the applicant.

10. On 31st July, 2026, this Court passed following order:

"1. On 21st January, 2026, a Coordinate Bench of this Court passed following order:

"1. Heard Sri Rishabh Kumar, learned counsel holding brief of Sri Sharad Chand Rai, learned counsel for the applicant and Sri Shashidhar Pandey, learned A.G.A. for the State.

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4. Learned counsel for the applicant submits that FIR has been lodged as Case Crime No.702 of 2017 under Section 279, 337 and 427 IPC regarding alleged incident which occurred on 30.11.2017 against unknown person mentioning vehicle No.U.P.16 AP 3697 with word 'driver' and address unknown. Learned counsel for the applicant submits that in the statement of the informant namely Dharmpal which was recorded telephonically by the Investigating Officer in which only Vehicle No. UP 16 AP 3697 along with the word 'driver' has been mentioned rather than mentioning the name of any accused person. He further submits that the alleged incident occurred on 30.11.2017 and further submits that vehicle mentioned in the FIR upto 14.02.2019 belongs to one Anita Tripathi, previous owner and the applicant, who later on purchased the vehicle, had no knowledge about the alleged incident and he was not her driver on the alleged date of incident, rather he has purchased the vehicle in question from Anita Tripathi after the alleged incident in the year 2019 which was transferred in his name on 14.02.2019. He further submits that the same has been transcribed in the bottom of the Certificate of Registration (RC, Form No.23) of the vehicle in question.

5. Learned counsel for the applicant submits that regarding the owner of the

vehicle, the applicant has also obtained information under the provisions of Right to Information Act, 2005 from the Office of A.R.T.O.(Admin) Gautam Budh Nagar and the same has also been annexed in the paper book at page no.54. Learned counsel for the applicant further submits that the charge sheet has been submitted on 07.03.2020 before the court of Judicial Magistrate and the concerned Judicial Magistrate, without scrutinizing above facts and rather than directing the Investigating Officer to further investigate the matter and submit report, but has taken cognizance vide order dated 23.12.2020.

6. Per contra, learned A.G.A. submits that the contentions raised by learned counsel can be rebutted by filing counter affidavit.

7. Issue notice to O.P. No.2 for filing counter affidavit. The State is also directed to file counter affidavit.

8. The Senior Superintendent of Police, Bulandshahr is also directed to go through the entire materials which have been annexed with this application i.e. Application U/S 528 BNSS No.770 of 2026 (Amandeep Singh vs. State of U.P. and another) and submit his compliance report along with counter affidavit on or before the next date fixed in the matter.

9. List this case on 13.02.2026 as fresh.

10. Till the next date of listing, further proceedings of .Case no. 7425 of 2020, (State Vs. Amandeep Singh) arising out of Case Crime No. 702 of 2017, under section 279, 337 and 427 IPC, Police Station Gulawathi, District Bulandshahr, pending in the court of Additional Chief Judicial Magistrate, (JD) III, District Bulandshahr, shall remain stayed.

11. Sri Shashidhar Pandey, learned A.G.A. is directed to supply a copy of this application along with the order to S.S.P., Bulandshahr forthwith for taking necessary action"

2. In compliance of the aforesaid order, a compliance affidavit has been filed by Dinesh Kumar Singh (I.P.S.), Senior Superintendent of Police, Bulandshahr on 12th February, 2026 wherein at page no. 16, a copy of the order dated 9th February, 2026 passed by the Senior Superintendent of Police, Bulandhsahr has brought on record, wherein it has been mentioned that after perusal of the inquiry report submitted by the Additional Superintendent of Police, City, District Bulandshahr dated 9th February,2026, the further investigation of the present case has been handed over to the In-Charge, Police Station-Gulavathi.

3. Learned counsel for the applicants submits that since nearly six months

have elapsed from the date of passing of such order dated 9th February, 2026, such further investigation has not been completed till date.

4. Under such circumstances, this Court directs the Senior Superintendent of Police, Bulandshahr to file his personal affidavit by the next date disclosing the present status of the further investigation as directed by him under order dated 9th February, 2026 and he shall also explain as to why such further investigation has not been completed till date after expiry of statutory period of 90 days.

5. List this case on 13th August, 2026 as fresh.

6. Learned A.G.A. shall communicate this order to the Senior Superintendent of Police, Bulandshahr for necessary compliance within two days.

7. Office to provide a certified copy of this order to the learned A.G.A. within 24 hours.

8. Interim order, if any, to continue till then.

9. Learned counsel for opposite party no.2 states that he has no objection, if the name of the present applicant has been exonerated from the present case.

10. Rejoinder affidavit filed on behalf of the applicant in the Court today is taken on record. "

11. Pursuant to the above order, Mr. Dinesh Kumar Singh (I.P.S.), Senior Superintendent of Police, Bulandshahr has filed his personal affidavit today in which it has been recorded that after further investigation final report has been submitted against the applicant before the Court concerned as no case is made out against him.

12. Under such circumstances, this Court holds that since after further investigation, final report has been submitted against the applicant on 10th August, 2026 a copy of which has been enclosed as Annexure No.1 to the personal affidavit, therefore, no interest of justice would be served by keeping the aforesaid criminal case pending against the applicant.

13. Accordingly, in respect of the applicant, charge-sheet dated 7th March, 2020, cognizance/summoning order dated 23rd December, 2020, consequential summoning order dated 10th November, 2022 as well as the entire proceedings of the Criminal Case No. 7425 of 2020 (State Vs. Amandeep Singh), arising out of Case Crime No. 702 of 2017, under Sections 279, 337 and 427 I.P.C., Police Station-Gulawathi, District-Bulandshahr, pending in the Court of Additional Chief Judicial Magistrate, (Junior Division)-

III, Bulandshahr cannot be legally sustained, therefore, the same are, hereby, quashed.

14. The present application **is allowed**.

August 13, 2026
Sushil/-

(Madan Pal Singh,J.)