



2026:AHC:168988

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 9273 of 2026

Priyanka Pallavi

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Sandeep Singh

Counsel for Opposite Party(s) : G.A., Harsh Tiwari, Vimlendu Tripathi

Court No. - 75

HON'BLE DR. GAUTAM CHOWDHARY, J.

1. This application has been filed seeking the quashing the proceedings of Case No. 12289 of 2025 (State Vs. Prashant Srivastava and others) arising out of Case Crime No. 39 of 2025 under Sections 318(4), 316(5), 61(2), 338, 336(3), 340(2) of B.N.S. and Section 66 of I.T. act, Police Station Sector 126 Noida, District Gautambudh Nagar pending before learned Additional Chief Judicial Magistrate-Ist, District Gautambudh Nagar as well as to quash the charge sheet dated 11.07.2025 and also to quash the cognizance order dated 21.07.2025 passed in the aforesaid case.

2. It seems that in order to explore the possibility of an amicable settlement between the parties, the matter was referred to undergo mediation proceedings. The report of Mediation Centre dated 03.07.2026 shows that the aforesaid attempt could not succeed and did not bear any fruit for certain reasons. The Court, therefore, deems it fit to decide the matter on merits.

3. List revised. None appears for the applicant to press this application. Sri Harsh Tiwari, learned counsel for the opposite party No.2 and Sri Dharmraj Patel, learned AGA. Perused the record.

4. The submissions averred in the instant application on behalf of the applicant relates to disputed questions of fact. The court has also been called upon to adjudge the testimonial worth of prosecution evidence and evaluate the same on the basis of various intricacies of factual details which have been touched upon on behalf of applicant. The veracity and credibility of material furnished on behalf of the prosecution has been questioned and false implication has been pleaded. The

submissions averred are based on pure questions of fact which may be adequately adjudicated upon only by the trial court and while doing so even the submissions made on points of law can also be more appropriately gone into by the trial court in this case. This Court does not deem it proper, and therefore cannot be persuaded to have a pre-trial before the actual trial begins.

5. Learned A.G.A. has contended that failure of mediation process seems to be the obvious reason to explain the non appearance of applicant's counsel and apparently there is an attempt on behalf of the applicant to drag the proceedings in order to continue benefit of the interim protection.

6. Through a catena of decisions given by Hon'ble Apex Court this legal aspect has been expatiated upon at length and the law that has evolved over a period of several decades is too well settled. The cases of (1) **Chandra Deo Singh Vs. Prokash Chandra Bose AIR 1963 SC 1430** , (2) **Vadilal Panchal Vs. Dattatraya Dulaji Ghadigaonker AIR 1960 SC 1113** and (3) **Smt. Nagawwa Vs. Veeranna Shivalingappa Konjalgi 1976 3 SCC 736** may be usefully referred to in this regard.

7. The Apex Court decisions given in the case of **R.P. Kapur Vs. State of Punjab AIR 1960 SC 866** and in the case of **State of Haryana Vs. Bhajan Lal 1992 SCC(Cr.) 426** have also recognized certain categories by way of illustration which may justify the quashing of a complaint or charge sheet. Some of them are akin to the illustrative examples given in the above referred case of **Smt. Nagawwa Vs. Veeranna Shivalingappa Konjalgi 1976 3 SCC 736**. The cases where the allegations made against the accused or the evidence collected by the Investigating Officer do not constitute any offence or where the allegations are absurd or extremely improbable impossible to believe or where prosecution is legally barred or where criminal proceeding is malicious and malafide instituted with ulterior motive of grudge and vengeance alone may be the fit cases for the High Court in which the criminal proceedings may be quashed. Hon'ble Apex Court in Bhajan Lal's case has recognized certain categories in which Section-482 of Cr.P.C. or Article-226 of the Constitution may be successfully invoked.

8. Illumined by the case law referred to herein above, this Court has adverted to the entire record of the case.

9. The prayer for quashing the same is refused as I do not see any abuse

of the Court's process either.

10. The interim order, if any, is vacated.

11. The application lacks merit and is dismissed.

12. Office is directed to communicated the order passed by this Court to the concerned trial Court forthwith.

(Dr. Gautam Chowdhary,J.)

August 11, 2026
S.Ali