



2026:AHC:166590

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 30749 of 2025

G.S. Raghav

.....Applicant(s)

Versus

State Of U.P. And 6 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Rahul Chaudhary
Counsel for Opposite Party(s)	:	Amit Kumar Tripathi, Ashok Kumar Mishra, G.A.

Court No. - 81

HON'BLE MADAN PAL SINGH, J.

1. Heard learned counsel for the applicant, Mr. Ashok Kumar Mishra, learned counsel for opposite party no.2 and learned A.G.A. for the State.

2. The present application under Section 528 B.N.S.S. has been filed by the applicant for quashing of the impugned order dated 31st May, 2025 passed by the Additional Chief Judicial Magistrate, Court No.3, Ghaziabad on the application dated 13th August, 2024 filed by the applicant in the pending criminal proceeding bearing Case No. 638 of 2022 arising out of Case Crime No. 1880 of 2018 under Sections 420, 406, 409 and 120-B I.P.C. Police Station Kavi Nagar, District-Ghaziabad, whereby the sureties and bonds submitted by Kirshna, Jaikishor, Hariraj and Jaikaran have been cancelled and the matter was recommended to the District District, for inquiry. In the alternative, by means of the present applicant, the applicant has also prayed for a direction upon the Additional Chief Judicial Magistrate, Court No.3, Ghaziabad to take legal action against the opposite party nos. 2 and 3 and sureties, namely, Hariraj Singh, Jaikaran, Krishna, and Jaikishor and to lodge first information report against them.

3. 3. Learned counsel for the applicant submits that on same set of facts, a first information report has been directed to be lodged by the concerned Magistrate but when the applicant has submitted an application for lodging of the first information report, the concerned Magistrate has only cancelled the bonds and sureties of Kirshna, Jaikishor, Hariraj and Jaikaran and recommended for an inquiry into the matter to the District Judge.

4. On 10th February, 2026, 6th April, 2026, 14th May, 2026 and 8th July, 2026, following orders have been passed:

"10th February, 2026

1. *Learned Counsel for the applicant submits that the impugned order dated 31.05.2025 passed by Additional Chief Judicial Magistrate, Court No.3, Ghaziabad is under challenge.*
2. *Let the current status of the inquiry with regard to the sureties, Hariraj Singh, Jaikaran, Krishna and Jaikishore, be called for from the District Judge, Ghaziabad within three weeks.*
3. *Put up as fresh on 23.03.2026.*

6th April, 2026

1. *Shri Rahul Chaudhary, learned Counsel for the applicant, Shri Amit Kumar Tripathi, learned Counsel for opposite party no.2 and Shri Akhilesh Kumar Mishra, learned A.G.A on behalf of the State.*
2. *On 10th February, 2026, a report was sought from District Judge, Ghaziabad with regard to the current status of inquiry initiated against the sureties, Hariraj Singh, Jaikaran, Krishna and Jaikishore. In this regard, a report of District Judge, Ghaziabad dated 20.03.2026 has been received, which discloses that the above inquiry is pending before Additional Civil Judge (Senior Division) Court No.5, Ghaziabad and the inquiry has not yet been completed.*
3. *Learned District Judge, Ghaziabad has sought further time to submit the report.*
4. *In view of the above, one month's time is granted to the inquiry officer to conclude the inquiry and the District Judge, Ghaziabad, is directed to send the report, thereafter, to this Court.*
5. *Put up this case on 14th May, 2026, as fresh.*

14th May, 2026

1. *On 06.04.2026, the District Judge, Ghaziabad was directed to submit a report. As per the office report, the District Judge, Ghaziabad has sought further time to submit the same. A letter dated 20.03.2026 issued by the District and Sessions Judge, Ghaziabad is on record, which shows that the inquiry is still in progress and has not yet concluded, and the Inquiry Officer has sought further time to submit the inquiry report.*
2. *In view of the above, the District Judge, Ghaziabad is further directed to submit his report, along with the status of the inquiry before this Court on the next date fixed.*

3. List this case on 08.07.2026 as fresh.

8th July, 2026

1. Vide order dated 14.05.2026, this Court further directed the District Judge, Ghaziabad, to submit a report along with the status of the inquiry.

2. Today, when the matter was taken up, neither the office report nor the inquiry report had been annexed to the order sheet.

3. The Office is directed to send a reminder to the District Judge, Ghaziabad, who shall submit the inquiry report positively by the next date fixed in the matter. In the event that the inquiry has not been concluded, the District Judge shall submit a report indicating the steps taken to ensure the expeditious conclusion of the inquiry.

4. Learned counsel for the applicant further submitted that, in similar matters, the concerned court has directed the lodging of an FIR regarding fake securities.

5. The applicant is also at liberty to seek the same relief, if so advised, before the court concerned.

6. Put up this matter as fresh on 10.08.2026."

5. Pursuant to the above orders, the District Judge, Ghaziabad has sent a letter to this Court dated 7th July, 2026 wherein it has been reported that since the affidavit and papers were presented by the fake surety during the judicial proceedings of the Court. Accordingly, the undersigned ordered the trial court to conduct a legal inquiry regarding the alleged fake surety or the fake affidavit. The subordinate court informed that since the next date in the case is 13th July, 2026. Accordingly, the legal proceedings by the subordinate court will be considered on the fixed date. In this regard the Presiding Officer has required the undersigned for further time to complete the inquiry as per the rules on which the undersigned has ordered the presiding officer to take action as per rules as soon as possible.

6. Qua the result of the inquiry, the applicant has nothing to do. After result of the inquiry, the concerned trial court or Magistrate shall be at liberty to take legal action against opposite party nos. 2 and 3 and sureties, if they are found guilty.

7. It is also admitted by the learned counsel for the applicant that for lodging of the first information report against opposite party nos. 2 and 3 and sureties, namely, Kirshna, Jaikishor, Hariraj and Jaikaran, the applicant has not filed

any application before the concerned Magistrate under Sections 173 (4) B.N.S.S. In case he files such application under Section 173 (4), the concerned Magistrate shall consider and decide the same in accordance with law at the earliest possible.

8. With the aforesaid observations/directions, the present application is disposed of.

August 10, 2026
Sushil/-

(Madan Pal Singh,J.)