



2026:AHC:161854

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 32072 of 2025

Dhirendra Kumar Singh

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Ayush Mishra, Sunil Kumar Misra
Counsel for Opposite Party(s)	:	Amit Kumar Singh, G.A.

Court No. - 81

HON'BLE MADAN PAL SINGH, J.

1. Heard learned counsel for the applicant, learned counsel for opposite party no. 2, learned A.G.A. for the State and perused the record.
2. The present application has been filed under Section 528 B.N.S.S. for quashing the charge-sheet dated 22.10.2023, cognizance/summoning order dated 10.05.2024 and the entire proceedings of Criminal Case No. 4790 of 2024 (State vs. Dheeraj Singh @ Dhirendra Kumar Singh), arising out of Case Crime No. 217 of 2023, under Section 506 IPC, Police Station Obra, District Sonbhadra.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated and has no connection with the alleged incident, the mining tender or Mahadev Mining. It is argued that no evidence has been collected during investigation to show the involvement of the applicant.
4. It is further submitted that the first informant/opposite party no. 2 has filed a counter affidavit before this Court and has clearly stated that the applicant has been wrongly named in the case. The informant has stated that he had never met the applicant, that the applicant had no connection with Mahadev Mining, an unknown person had falsely introduced himself as Dhirendra Kumar Singh, present applicant and threatened the informant's family. The informant has also stated that after the real identity of that person came to light, he disappeared. The present applicant never threatened or pressurized him at any time. Therefore, it is submitted that the applicant has been implicated due to false identity.

5. Learned counsel for opposite party no. 2 also submits that the dispute against the applicant no longer survives. He supports the counter affidavit and states that, after verification, it was found that the applicant had no role in the incident and was wrongly implicated due to mistaken identity. Learned A.G.A., however, opposed the application and submitted that the charge-sheet has been filed after investigation.

6. After considering the submissions and perusing the record, this Court finds that the prosecution case against the applicant is only based on the allegation that he threatened the informant. However, in paragraph 3 of the counter affidavit, the informant has clearly stated that the applicant never contacted him or never threatened him and had no connection with the incident. The informant has also admitted that an unknown person falsely used the applicant's name and because of this mistake the applicant was implicated.

7. From the reading of Section 506 IPC, there must be a clear threat given by the accused with the intention of causing alarm to the informant/complainant. If the accused has not given any threat, the offence is not made out and in the present case, the informant himself has stated that the applicant never threatened him. Therefore, the basic ingredients of Section 506 IPC are absent.

8. The Hon'ble Supreme Court in **Manik Taneja v. State of Karnataka, (2015) 7 SCC 423**, has held that mere expression of words without any intention to cause alarm would not be sufficient to bring the case within the ambit of criminal intimidation. . Similarly, in **Tuhin Kumar Biswas @ Bumba v. State of West Bengal; 2015 (7) SCC 423**, wherein the Court held as under:

“Further, in order to constitute an offence of criminal intimidation punishable under Section 506 IPC, it must be shown that the person charged threatened another with injury to his person, reputation or property, or to the person or reputation of anyone in whom that person is interested, with intent to cause alarm. Except for the bald allegation that the appellant-accused intimidated the complainant by clicking her photographs, the FIR and chargesheet are completely silent about the manner in which the complainant was threatened with any injury to her

person or her property. The words, if any, uttered by the complainant are not mentioned in the FIR. Consequently, even if the allegations in the FIR are taken at face value, the ingredients of the offence of criminal intimidation are not attracted.”

9. In the present case, not only are the ingredients of Section 506 IPC absent, but the prosecution case also fails because the informant himself has stated that the applicant had no role in the incident. Therefore, allowing the criminal proceedings to continue against the applicant would amount to an abuse of the process of the Court.

10. Accordingly, the application is allowed. The entire proceedings of Criminal Case No. 4790 of 2024 (State vs. Dheeraj Singh @ Dhirendra Kumar Singh), arising out of Case Crime No. 217 of 2023, under Section 506 IPC, Police Station Obra, District Sonbhadra, are hereby quashed.

August 3, 2026
Akbar

(Madan Pal Singh,J.)