



2026:AHC:67014

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 12968 of 2026

Ram Bharos

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Shiv Kumar Kesari
Counsel for Opposite Party(s)	:	G.A.

Court No. - 81

HON'BLE CHAWAN PRAKASH, J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.

2. The present application under Section 528 B.N.S.S. has been filed to quash the entire proceeding including the impugned Charge sheet dated 06.10.2021 as well as cognizance/summoning order dated 04.07.2023 passed by learned Additional Chief Judicial Magistrate, Court No.7, Allahabad in Case No. 2180 of 2023 (State Vs. Ram Bharos), arising out of Case Crime No. 194 of 2021, under Sections 323, 504, 506, 308 I.P.C., Police Station Sarai Mamrej, District Prayagraj, pending in the court of learned Additional Chief Judicial Magistrate, Court No. 6, Allahabad.

3. It is submitted by learned counsel for the applicant that he lodged a first information report as Case Crime No. 0192 of 2021, under Sections 326, 323, 504, 506 I.P.C., Police Station Sarai Mamrej, District Prayagraj against the opposite party no. 2 regarding an incident dated 20.07.2021. The police after investigation filed charge sheet against the opposite party no. 2. The opposite party no. 2 as a counterblast only to create pressure upon the applicant, lodged a first information report, which was registered as Case Crime No. 194 of 2021, under Sections 323, 504, 506, 308 I.P.C., Police Station Sarai Mamrej, District Prayagraj showing the incident of 20.07.2021 whereas no such incident took place. The injured was medically examined in Community Health Centre, Pratappur, Prayagraj and the doctor, who examined the injured, has opined that injuries are simple in nature except one injury. After investigation, the police filed

charge sheet on which the learned Magistrate has taken cognizance on the charge sheet and summoned the applicant. It is further submitted that no offence is made out against the applicant, therefore, impugned summoning order is liable to be set aside.

4. *Per contra*, learned A.G.A.,. opposed the submissions made by learned counsel for the applicant and submitted that a first information report as Case Crime No. 194 of 2021, under Sections 323, 504, 506, 308 I.P.C. was lodged by opposite party no. 2 against the applicant regarding an incident dated 20.07.2021 in which the injured sustained serious injury. Statement of the doctor was recorded who examined the injured. The police after investigation, submitted charge sheet against the applicant on which the learned Magistrate taken cognizance and rightly summoned the applicant. There is no illegality in passing the impugned summoning order.

5. As per fact of this case, the opposite party no. 2 lodged a first information report against the applicant as Case Crime No. 194 of 2021, under Sections 323, 504, 506, 308 I.P.C. at Police Station Sarai Mamrej, District Prayagraj regarding an incident dated 20.07.2021. The injured was medically examined in Community Health Centre, Pratappur, Prayagraj and doctor found several injuries on the injured. The police after completing investigation, submitted charge sheet against the applicant on which the learned Magistrate has taken cognizance and summoned the applicant vide impugned order. There is no illegality in passing the impugned order.

6. From the perusal of material on record and the facts of the case, at this stage, it cannot be said that no offence is made out against the applicant. All the submissions made at the bar relates to the disputed questions on fact, which cannot be adjudicated upon by this Court in exercise of power conferred under Section 528 B.N.S.S.. At this stage, only prima facie case to be considered in the light of the law laid down by ***Supreme Court in the case of RP Kapoor Vs. State of Punjab, AIR 1990 SC 66; State of Haryana Vs. Bhajan Lal, 1992 SCC (Criminal) 426; and State of Bihar Vs. P.P. Sharma, 1992 SCC (Criminal) 192.*** The disputed defence of the applicant cannot be considered at this stage.

7. Considering the facts and circumstances of the case, I do not find any ground to quash the aforementioned case, therefore, the prayer for quashing the same is hereby refused and the application is **dismissed**.

(Chawan Prakash,J.)

March 31, 2026

Rmk.