



2026:AHC:65540

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 12504 of 2026

Mahaveer Singh Bhadana

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Kulveer Singh, Santosh Kumar Shukla
Counsel for Opposite Party(s) : G.A.

Court No. - 80

HON'BLE VIVEK KUMAR SINGH, J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State perused the record.
2. This application has been filed by the applicant to quash the entire proceeding of Case No. 17500 of 2025 (State vs. Mahaveer and others) arising out of Case Crime No. 288 of 2025, under Sections 64(2)(m), 351(3), 351(2) BNS, Police Station Sadar Bazar, District Saharanpur and cognizance / summoning order dated 28.11.2025 passed by Chief Judicial Magistrate, Saharanpur as well as charge-sheet dated 31.8.2025.
3. Learned counsel for the applicant submitted that the proceeding initiated against the applicant is illegal and against the material available on record; the material of investigation does not disclose commission of any alleged offences against the applicant and as such the proceedings initiated against the applicant including the impugned charge-sheet and cognizance/summoning order are liable to be quashed by this court. Learned counsel for the applicant further submitted that the first information report was lodged after a delay of 12 years. The first incident had taken place on 11.2.2014 but the first information report was lodged on 5.7.2025. The first information report as well as charge-sheet are liable to be quashed by this Court on the ground of delay in lodgment of first information report.
4. Learned counsel for the applicant has relied upon the judgment of Hon'ble Supreme Court in the cases of **Kunal Chatterjee vs. The State**

of West Bengal and others, 2025 0 Supreme (SC) 1703, **Madhukar and others vs. State of Maharashtra and another**, 2025 LawSuit (SC) 914, **Shambhu Kharwar vs. State of U.P. and another**, 2022 AIR (SC) 3901 and **Rajnish Singh @ Soni vs. State of U.P. and another**, (2025) 4 SCC 197 . He further stated that the proceedings are liable to be quashed by this Court in terms of the judgments passed by Hon'ble Supreme Court.

5. Per contra, learned AGA for the State vehemently opposed the prayer as made in the application and rebutted the stand taken up by learned counsel for applicant by way of submitting that the averments whatsoever has been raised by learned counsel for applicant is subject matter of trial and submitted that after considering the material available on record, charge-sheet has been submitted against the applicant upon which learned court concerned has rightly taken cognizance and summoned the applicant. It is further submitted that the victim was subjected to rape repeatedly between 1.12.2014 to 10.6.2025 and the first information report was lodged on 5.7.2025. There is no such delay in lodging of first information report and on account of delay in lodgment of first information report, the proceedings as well as charge-sheet cannot be quashed. The son of the applicant was in the police department, therefore, the victim was under apprehension of life threat and she could not lodge the first information report just after the incident.

6. It is submitted by learned A.G.A. that the aforesaid judgments are not applicable to the facts of the present case. In the case of **Kunal Chatterjee (supra)**, a false promise of marriage was made by the accused and ingredients to constitute the offence was not made out and therefore, the proceeding was quashed by the Hon'ble Supreme Court. In the present case, the applicant has not made any false promise of marriage. He had first threatened the victim for dire consequences and thereafter he committed rape on the gun point. Further, in the case of **Madhukar (supra)** the proceedings were quashed by Hon'ble Supreme Court on the account of compromise between the parties. In this matter, no compromise between the applicant and the victim has been made, therefore, facts of **Madhukar (supra)** case is also not applicable to the facts of the present case. The judgment of **Rajnish Singh (supra)** is also

not applicable to the facts of the present case since in the aforesaid case the rape was allegedly committed on account of false promise of marriage and in the case in hand it is nowhere stated by the victim that she was subjected to rape on account of false promise of marriage. Similar was the position in the case of **Shambhu Kharwar (supra)**.

7. Therefore, none of the judgments mentioned above would help the applicant and proceedings cannot be quashed by this Court in view of the judgments mentioned above.

8. After hearing rival submissions extended by learned counsel for the parties and by bare perusal of record, there appears to be no illegality and impropriety in the impugned charge-sheet and cognizance/summoning order and as such learned court concerned has rightly proceeded against the applicant. A prima facie offence is made out against the applicant from perusal of first information report and statements of the victim.

9. In view thereof, the instant application under Section 528 B.N.S.S. lacks merit and is hereby dismissed.

(Vivek Kumar Singh,J.)

March 30, 2026

Lalit Shukla