



2026:AHC:67251

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 6778 of 2026

Devid @ Devid Kumar Yadav

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Kuldip Singh Yadav
Counsel for Opposite Party(s)	:	G.A.

Court No. - 81

HON'BLE CHAWAN PRAKASH, J.

1. Heard learned Counsel for applicant, learned A.G.A. for State and perused the record. No one is present on behalf of opposite party no.2.

2. This application under Section 482 Cr.P.C. has been filed by the applicant with the following prayer:

"It is, therefore, Most Respectfully prayed that this Hon'ble Court may graciously be pleased to quash the impugned Charge-Sheet dated 20.08.2022 and cognizance order dated 01.12.2022 alongwith the entire proceedings of Criminal Case No.16843 of 2022 (arising out of Case Crime No.532 of 2021, State Vs. Balram and others, under Sections 323, 504, 506 I.P.C., Police Station Akbarpur, District Kanpur Dehat (earlier Rama Bai Nagar) pending in the court of Chief Judicial Magistrate, Kanpur Dehat."

3. It is submitted by the learned Counsel for the applicant that the applicant and opposite party no.2 are neighbours. A property dispute is going on between the parties. The husband of opposite party no.2 has filed Civil Suit No. 892 of 2021, Hamid v. Balram and others, which is pending before the Civil Judge (Junior Division)-V, Kanpur Dehat. Thereafter, the husband of opposite party no.2 started making pressure upon the other co-accused person Balram to hand over the disputed land in his favour. Thereafter, opposite party no.2, on the basis of previous enmity lodged a First Information Report as Case Crime No. 532 of 2021, under Sections 354A, 323, 504 and 506 I.P.C., Police Station Akbarpur, District Kanpur Dehat regarding the incident dated 17.07.2021. The statement of the first informant

under Section 161 Cr.P.C. was recorded after six months of registration of F.I.R. The statements of other witnesses Noor Jahan and Parvin Begam were recorded under Section 161 Cr.P.C. in which they have stated nothing about the offence under Section 354A I.P.C. It is further stated that the injured were medically examined but no injury was found on their body. The Investigating Officer, after recording the statements of prosecution witnesses, filed a charge sheet against the applicant under Sections 323, 504 and 506 I.P.C. The learned Magistrate has taken cognizance against the applicant whereas no *prima facie* case is made out against the applicant, therefore, the summoning order as well as entire proceedings of the aforesaid case may be quashed.

4. *Per contra*, learned A.G.A. has submitted that from the perusal of the allegations made in the F.I.R., the statements of the opposite party no.2 and witnesses and the material collected during the course of investigation, *prima facie* offence is clearly made out against the applicant and as such, entire proceedings cannot be quashed.

5. As per record, opposite party no.2 lodged a First Information Report as Case Crime No. 532 of 2021, under Sections 354A, 323, 504 and 506 I.P.C., Police Station Akbarpur, District Kanpur Dehat regarding the incident dated 17.07.2021. The statement of the first informant as well as the other witnesses Noor Jahan and Parvin Begam were recorded under Section 161 Cr.P.C. The statement of the first informant was also recorded under Section 164 Cr.P.C. The Investigating Officer, after recording the statements of prosecution witnesses, filed a charge sheet against the applicant under Sections 323, 504 and 506 I.P.C. Thereafter, the learned Magistrate has taken cognizance against the applicant.

6. From the perusal of the material on record and looking into the facts of the case at this stage, it cannot be said that no offence is made out against the applicant. All the submission made at the bar relates to the disputed question of fact, which cannot be adjudicated upon by this Court in exercise of power conferred under Section 528BNSS. At this stage only *prima facie* case is to be seen in the light of the law laid down by Supreme Court in cases of **R.P. Kapur Vs. State of Punjab, A.I.R. 1960 S.C. 866, State of Haryana Vs. Bhajan Lal, 1992 SCC (Cr.) 426, State of Bihar Vs. P.P.Sharma, 1992**

SCC (Cr.) 192 and lastly Zandu Pharmaceutical Works Ltd. Vs. Mohd. Saraful Haq and another (Para-10) 2005 SCC (Cr.) 283. The disputed defence of the accused 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.

8. Accordingly, the application is **dismissed**.

(Chawan Prakash,J.)

March 31, 2026

Vijay