



2026:AHC:53591

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 10628 of 2026

Saurabh And 3 Others

.....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. - 83

HON'BLE SUBHASH CHANDRA SHARMA, J.

Heard learned counsel for the applicants as well as learned A.G.A. for the State and perused the material on record.

This application under Section 528 of B.N.S.S. (2023) has been moved with prayer to allow this application and quash the entire criminal proceeding including the impugned summoning order dated 07.11.2025 passed by the learned Additional Civil Judge (J.D.)/Judicial Magistrate, Etah in Case No.25423 of 2024 (Kaptan Singh vs. Saurabh and others) under Sections 323, 506, 326A I.P.C., Police Station Jaithara, District Etah and also prays to stay the further proceeding of the aforesaid case.

It is submitted that in this case F.I.R. was lodged with false allegation of throwing acid on the informant Kaptan Singh said to be injured. Further submitted that the I.O. recorded the statement of the doctor who conducted medical examination and mentioned in the injury report the injury to be caused with acid attack. Further submitted that he has recorded the injury to be caused with acid on the basis of statement made by the informant/injured Kaptan Singh which shows that the injury was not caused with acid attack but it was fabricated and with false allegation the F.I.R. was lodged. After investigation the final report was filed by the I.O. on which protest was filed by the informant which was

treated as complaint. The statement of the injured and other witnesses were recorded u/s 200 & 202 Cr.P.C. on the basis of which the summoning order dated 07.11.2025 has been passed by the learned court without application of judicial mind, therefore, request to quash the entire proceedings of the case including summoning order.

Learned A.G.A. opposed the prayer and contended that case Crime No.386/22 under Section 323, 325, 504 I.P.C. was registered by the informant against Narendra Singh and others for making assault in which charge sheet was filed. The applicants were making pressure on the informant to withdraw that case. On the date of incident the informant was going to Eta from his house. In the way the applicants met to him and tried to make pressure for compromise which he denied as a result the applicant Saurabh threw the acid on his body as a result he sustained injuries on his lower limbs. He got treatment and then lodged the present F.I.R. at the police station and was medically examined at District Hospital, Etah in which the injuries were found to be caused with acid burn and were kept under observation and referred to surgeon. The informant has supported the contents of F.I.R. but for filing final report the I.O. did not record the statement of the witness as such but by recording statement of some other persons filed final report on which protest was filed by the informant which was treated as complaint and after recording statement of the informant and other witnesses the learned court concerned has passed the order in question with application of judicial mind, therefore, there is no any illegality or impropriety in the order.

Considering the facts and circumstances of the case, submissions made by learned counsel for the applicant as well as learned A.G.A. for the State and perusal of record, the contents of F.I.R., the injury report of informant Kaptan Singh and his statements and the statements of other witnesses PW-1 Harikesh, PW-2 Ashok, PW-3 Chatrapal, PW-4 Dhiresk Kumar, PW-5 Jaiveer Singh and the order in question, prima facie case appears to be made out against the applicants and injury report prepared by the Medical Officer at District Hospital, Etah also shows injury to be

caused with acid burn. At this stage, it cannot be said that statement of complainant/injured and other witnesses are false and the doctor has also prepared the injury report in collusion with the complainant. In this way, in the order passed by learned court dated 07.11.2025 there appears no any illegality or impropriety but this application being devoid of merit is liable to be dismissed.

Accordingly, this application u/s 528 B.N.S.S. is ***dismissed***.

March 17, 2026
Ashok Gupta

(Subhash Chandra Sharma,J.)