



2026:AHC-LKO:22305

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

APPLICATION U/S 528 BNSS No. - 859 of 2026

Smt. Ekta Singh

.....Applicant(s)

Versus

State Of U.P. Thru. Secy. Home Lko.

.....Opposite
Party(s)

Counsel for Applicant(s) : Veer Bahadur Lal Srivasta,
Alok Kumar Mishra

Counsel for Opposite Party(s) : G.A.

Court No. - 15

HON'BLE BRIJ RAJ SINGH, J.

1. Heard Sri Prashant Singh Atal, learned Senior Advocate, assisted by Sri Veer Bahadur Lal Srivastava, learned counsel for the applicant and learned AGA for the State.

2. This application has been filed with the following main reliefs:

"WHEREFORE, it is most respectfully prayed that the impugned order dated 12-02-2026 (Annexure No. - 1) passed by the Court of Chief Judicial Magistrate, Lucknow in Criminal Miscellaneous Case No.6702 of 2025 titled as, "Smt. Ekta Singh versus Abhijeet Vishen and Others", U/s - 173 (4) of the B.N.S.S., 2023 (Earlier Section 156-3 of the Criminal Procedure Code, 1973), related to P.S. - Sushant Golf City, Lucknow, whereby the application filed by the petitioner for registering the F.I.R. has been rejected by the learned court below, may kindly be quashed.

It is also prayed that this Hon'ble Court may kindly direct the lower Court to conduct a fresh preliminary inquiry in view of the objection raised by the petitioner in Annexure No. - 7 and to pass fresh order on the application under Section 173(4) (Annexure No.- 2) filed by the petitioner for registration of FIR as per the guidelines issued by the Hon'ble Supreme Court in the case of Lalita Kumari (supra)."

3. It is the case of the applicant that the applicant had filed an application under Section 173(4) of BNSS for registration of FIR against the proposed named accused. In compliance of order dated 11.12.2025 passed by the court, the police concerned had submitted report on 15.12.2025. The application of the applicant under Section 173(4) of BNSS has been rejected mainly on the ground that the police has submitted a report that no such offence was made out.

4. Learned counsel for the applicant has taken a specific plea that on the date of incident, applicant was beaten by the proposed accused and she had received injury. Learned counsel has pointed out Page-39 of the application, which is the injury report dated 30.11.2025. It has been submitted that on the said date of incident, the applicant was assaulted and injury was caused by the proposed accused. It has been further submitted that the police had submitted ex-parte report and the statement of the proposed accused Abhijeet Bisen has been recorded by the police and the same has been considered by the court below while rejecting the application of the applicant.

5. It is the specific case of the applicant that she had taken objection before the Magistrate that she was not heard by the police and her statement was not recorded and on the basis of ex-parte report, the Magistrate passed the order in a mechanical manner. It has been submitted that the Magistrate has not discussed the objection which has been taken by the applicant before the Magistrate. In support of his submissions, learned counsel for the applicant has placed reliance upon Para-111 of the judgment of the Supreme Court in ***Lalita Kumari vs. Government of U.P. and others, AIR 2014 SC 187.***

6. After going through the record and hearing the arguments of learned counsel for the applicant, I am of the view that the court below did not look into the objection filed by the applicant, particularly the fact that she has narrated in her objection that the police had filed ex-parte report without recording her statement.

The other argument raised by learned counsel for the applicant also has force that the applicant had received injury when altercation took place.

7. In view of the aforesaid discussion, the application is ***allowed*** and the impugned order dated 12.2.2026 is set aside. The Magistrate concerned is directed to re-look into the matter and pass a fresh order after affording opportunity of hearing to the applicant within a period of six weeks from the date of production of a certified copy of this order.

March 31, 2026

Sachin

(Brij Raj Singh,J.)