



2026:AHC:59477

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 11401 of 2026

Saurabh Chopra And 2 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Rishika Raj Singhal, Shivendra Raj Singhal

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

Court No. - 74

HON'BLE DEEPAK VERMA, J.

1. Heard learned counsel for the applicants and learned AGA for the State.
2. The present 528 B.N.S.S. application has been filed to quash the summoning order dated 24.02.2026 as well as entire proceedings of Complaint dated 03.02.2023 Complaint Case No. 84 of 2023 (Akanksha Chopra Vs. Saurabh Chopra and others) under Sections 498-A and 323 IPC, and section 3/4 of D.P. Act, Police Station Banna Devi, District Aligarh, pending before learned Judicial Magistrate, Court No-1, Aligarh.
3. Counsel for the applicants submits that applicant is husband and applicants no. 2 and 3 are father-in-law and mother-in-law of opposite party no.2. Instant complaint is false and baseless and has been lodged with malicious intention. General and omnibus allegation has been leveled against the applicants and the applicant never demanded dowry from the opposite party no.2. The allegation alleged in the complaint is not supported by any evidence and the statement of the witnesses recorded under Sections 200 Cr.P.C. and 202 Cr.P.C. is not supporting the prosecution version. All the allegation alleged in the complaint has been cooked up only to harass the applicants. It is next submitted that applicants no. 2 and 3 are old persons and suffering from various diseases and allegation against them cannot be accepted as they are not in a position to torture the opposite party no. 2. Further submissions is that instant complaint is not maintenance in view of provisions provided under Section 468 BNSS as present in present complaint maximum punishment is three years and present complaint is lodged after

three years. The order impugned is liable to be set aside. Moreover, on perusal of complaint, there is no reason in lodging the complaint.

4. *Per contra*, learned A.G.A. opposed the arguments raised by applicants' counsel and submits that arguments raised by learned counsel for the applicants are factual aspects of the matter, which cannot be considered at this stage.

5. The grounds taken in the application reveal that many of them relate to disputed question of fact. This Court is of the view that it is well settled that the appreciation of evidence is a function of the trial court. This Court in exercise of power under Section 528 BNSS cannot assume such jurisdiction and put an end to the process of trial provided under the law. It is also settled by the Apex Court in catena of judgments that the impugned criminal proceeding against the applicants is abuse of the process of the Court and is liable to be quashed by this Court. the power under Section 528 BNSS at pre-trial stage should not be used in a routine manner but it has to be used sparingly, only in such an appropriate cases, where it manifestly appears that there is a legal bar against the institution or continuance of the criminal proceedings or where allegations made in First Information Report or charge-sheet and the materials relied in support of same, on taking their face value and accepting in their entirety do not disclose the commission of any offence against the accused. The disputed questions of facts and defence of the accused cannot be taken into consideration at this pre-trial stage.

6. Considered the argument raised by applicants' counsel and perused the record. On perusal of complaint, it is alleged that marriage of applicant no.1 and opposite party no. 2 were solemnized in the year 2018 asking additional demand of dowry when the demand was not fulfilled, they started to torture physically and mentally to the opposite party no.2 and on 26.06.2022 the opposite party no. 2 was ousted from her matrimonial house. On perusal of statement of complainant under Section 200 Cr.P.C., she has made specific allegation of dowry demand, molestation and torture against the applicants. Prima facie offence is made out against the applicants. The Court is not going into merit of the case with regard to the conviction of the applicant. The Apex Court in its judgment passed in the case of **Manik B. Vs. Kadapala Sreyes Reddy and another, 2023 Live Law (SC) 642**, para 6 and 7

are quoted herein below:-

" 6. Whether the testimony of the witnesses is trustworthy or not has to be found out from the examination-in-chief and the cross-examination of the witnesses when they stand in the box at the stage of such trial.

7. Such an exercise, in our considered view, is not permissible while exercising the jurisdiction under Section 482 Cr.P.C."

7. In view of the above, in the light of judgment of the Apex Court in the matters of **R.P. Kapur Vs. State of Punjab, A.I.R. 1960 S.C. 866, Manik B. Vs. Kadapala Sreyes Reddy & Anr. 2023 LiveLaw (SC) 642, 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**, no ground for quashing the proceedings of the aforesaid case, is made out which may call for any interference by this Court in exercise of its inherent power under Section 528 BNSS as the same do not suffer from any illegality or infirmity.

8. The present application under Section 528 B.N.S.S. lacks merit and is, accordingly, **dismissed**.

(Deepak Verma,J.)

March 23, 2026

Meenu Singh