



2026:AHC:129273

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 17250 of 2026

Abhishek Kumar @ Abhishek

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Chaman Kumar Satyarthi, Rama Pati
Tripathi

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

Court No. - 69

HON'BLE SANTOSH RAI, J.

1. Heard Sri Rama Pati Tripathi, learned counsel for the applicant and learned A.G.A. for the State are present.

2. The present application u/s 528 B.N.S.S. has been filed with prayer to quash the entire proceedings of Case No. 158506 of 2025 (State vs. Jatin Kumar @ Satendra Singh and others) arising out of Case Crime No.387 of 2025, under Sections 319(2), 318(4), 336(3), 61(2) of B.N.S. and Section 7/8/13 of Uttar Pradesh Examinations (Prevention of Unfair Means) Act, P.S. Maharajpur, District Kanpur Nagar, as well as, chargesheet dated 17.11.2025, cognizance/summoning order dated 19.11.2025, pending in the Court of A.C.J.M.- 4th, Kanpur Nagar.

3. Learned counsel for the applicant submitted that false and frivolous F.I.R. has been lodged against the applicant on 20.09.2025 by the opposite party no.2. He further submits that the prosecution case is that during the Indian Coast Guard Navik (GD) Recruitment Examination held on 19.09.2025 between 13:00 hours and 14:15 hours, it was alleged that certain candidates had resorted to impersonation by affixing forged photographs on the admit cards and appearing in the examination in place of the actual candidates. As per the prosecution, co-accused Jatin allegedly appeared in place of another candidate, namely Satendra, by using a forged photograph, whereas the present applicant is alleged to have appeared from the seat allotted to the said co-accused during the examination. It is further alleged that, on receiving information regarding the suspected impersonation, the police

personnel deployed at the examination centre, reached the spot for enquiry. However, before the enquiry could be completed, the applicant and the other accused allegedly escaped from the examination centre by taking advantage of the crowd gathered outside, whereafter the impugned FIR came to be lodged on the following day. He further submits that during investigation, the Investigating Officer recorded the statement of the informant and on the basis of statement and alleged recovery of admit cards, submitted charge-sheet against the applicant and other accused persons.

4. Learned counsel for the applicant submits that the real facts are altogether different from those narrated in the First Information Report. The applicant had appeared in the Navik (GD) Recruitment Examination as a bona fide candidate after due biometric verification and verification of his Aadhaar Card and admit card by the examination authorities. After successful verification, he was permitted to enter the examination hall and allotted his designated seat, where he commenced writing the examination under the supervision of the invigilators without any objection from the examination authorities. About fifteen minutes after commencement of the examination, an SIT team arrived at the examination centre to enquire into some other suspected candidates seated a few rows ahead, which created panic amongst the candidates and when the SIT enquired the examination officials, they started escorting all the candidates out of the room and in rush the present applicant has been falsely implicated.

5. It has further been submitted that the Investigating Officer, without conducting a fair and impartial investigation and without collecting CCTV footage or any cogent material establishing the applicant's involvement in the alleged impersonation, submitted the charge-sheet in a routine and mechanical manner.

6. The prosecution case, in brief, is that an online recruitment examination of Indian Coast Guard was being conducted at K.I.T. Examination Centre, Kanpur Nagar. During verification and monitoring by the examination authorities, the present applicant Abhishek along with co-accused Jatin and Satyendra was apprehended at the examination center itself. As per the prosecution version, the applicant Abhishek was found appearing in the examination by impersonating co-accused Jatin and was occupying the seat

allotted to the said candidate. Upon inquiry and verification, the examination authorities detected impersonation and use of forged identity documents.

7. The Investigating Officer recovered from the possession of the accused persons as many as 11 ATM Cards, 6 Aadhaar Cards, 4 PAN Cards, Driving Licences, Voter Identity Cards and other documents allegedly used for facilitating impersonation and examination fraud. Statements of the witnesses connected with the examination center, verification process and apprehension of the accused persons were recorded during investigation. The witnesses have specifically identified the present applicant and have attributed an active role to him in appearing in the examination in place of the genuine candidate. After completion of investigation, the Investigating Officer submitted charge-sheet against the applicant and co-accused for offences punishable under Sections 319(2), 318(4), 336(3) BNS and Sections 7/13 of the U.P. Public Examination (Prevention of Unfair Means) Ordinance, 2024.

8. Having considered the rival submissions and upon perusal of the material brought on record, this Court finds that the FIR discloses commission of cognizable offences. The investigation has culminated in submission of charge-sheet after collection of documentary as well as oral evidence. The material available on record indicates that the applicant was apprehended at the examination center itself. The prosecution alleges that he was appearing in the examination in place of co-accused Jatin by impersonation. Multiple identity-related documents including Aadhaar Cards, PAN Cards, ATM Cards, Driving Licences and Voter Identity Cards were recovered during investigation. Witnesses have identified the applicant and supported the prosecution case regarding his role. The Investigating Officer, after evaluating the evidence, found sufficient material to submit charge-sheet.

9. At this stage, the Court is not required to conduct a meticulous appreciation of evidence nor to adjudicate upon the correctness of the allegations. The defence sought to be raised by the applicant involves disputed questions of fact which can be examined only during trial after parties lead evidence. The inherent jurisdiction under Section 528 BNSS is extraordinary in nature and is required to be exercised sparingly, carefully and only in exceptional circumstances to prevent abuse of process of law or

to secure the ends of justice. The Hon'ble Supreme Court in **State of Haryana v. Bhajan Lal AIR1992 SC 604** has laid down the well-known categories where criminal proceedings may be quashed. The present case does not fall within any of the said categories. In **Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra, (2021)19 SCC 401** the Supreme Court reiterated that while exercising inherent jurisdiction, the High Court should not undertake an appreciation of evidence or conduct a mini trial. Further, in **CBI v. Aryan Singh, 2023 SCC OnLine SC 379** it has been held that the High Court, while exercising powers for quashing proceedings, cannot evaluate the sufficiency or reliability of evidence as such exercise falls within the domain of the trial court.

10. In the present case, the allegations relate to impersonation in a public recruitment examination, use of forged identity documents and unfair means in a competitive examination. The material collected during investigation prima facie discloses commission of offences alleged against the applicant. Whether the prosecution succeeds in proving the charges beyond reasonable doubt is a matter to be determined by the trial court on the basis of evidence adduced during trial. No manifest illegality, jurisdictional error or abuse of process of law has been demonstrated so as to warrant exercise of inherent jurisdiction under Section 528 BNSS.

11. Accordingly, this Court is of the considered view that a prima facie case is made out against the applicant and the matter requires adjudication on evidence before the competent trial court.

12. The application under Section 528 BNSS lacks merit and is, accordingly, **rejected.**

13. However, any observation made herein is confined only to the disposal of the present application and shall not affect the merits of the case before the trial court. The trial court shall proceed with the matter expeditiously and independently in accordance with law.

(Santosh Rai,J.)

June 23, 2026

Abhishek Gupta