



2026:AHC:125702

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 21216 of 2026

Deepak Singh Patel And Another

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Dileep Kumar, Pankaj Srivastava
Counsel for Opposite Party(s)	:	G.A.

Court No. - 34

HON'BLE CHAWAN PRAKASH, J.

1. Heard Mr. Dileep Kumar, learned Counsel for applicants, learned A.G.A. for State and perused the record.

2. This application under Section 528 BNSS has been filed by the applicants with the following prayer:

"It is, therefore, most respectfully prayed that this Hon'ble court may kindly be pleased to allow the present application and quash the entire criminal proceedings of case no. 142 of 2025 in case crime No. 670 of 2023, Under Section 452, 323, 504, 506, 427 I.P.C., police station Soraon, District Prayagraj Pending in the Court of Learned A.C.J.M. Court No.9, Prayagraj, in the interest of justice.

It is further prayed that the quash the chargesheet dated 26.12.2023 in case no. 142 of 2025 in case crime No. 670 of 2023, Under Section Under Section 452, 323, 504, 506, 427 I.P.C., police station Soraon, District Prayagraj, and also summing order dated 29.04.2025, Pending in the Court of Learned A.C.J.M. Court No.9, Prayagraj, in the interest of justice."

3. Learned Counsel for the applicants submits the applicants are innocent and have been falsely implicated in the present case. He further submits that earlier applicant no.2 lodged a First Information Report as Case Crime No. 669 of 2023 under Sections 323, 354, 354B, 504, 506, 427 and 452 I.P.C. against the opposite party no.2 and other family members regarding the incident dated 25.11.2023 wherein both the applicants sustained injuries and they were medically examined. Thereafter, as a counter-blast, opposite party

no.2 lodged the present F.I.R. as Case Crime No. 670 of 2023, under Sections 147, 452, 323, 504, 506 and 427 I.P.C. regarding the incident dated 25.11.2023. He further submits that as per F.I.R., injured was beaten by the applicants and three unknown persons, whereas, as per medical report of injured Ram Suchit Patel, no external injury was found on his body, which shows that a concocted story has been cooked. He further submits that the Investigation Officer has not conducted the fair and proper investigation and filed charge-sheet against the applicants and the learned Magistrate has taken cognizance on 29.04.2025, whereas no *prima facie* case is made out against the applicants, therefore, the summoning/cognizance 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/injured and witnesses and the material collected during the course of investigation, *prima facie* offence is clearly made out against the applicants and as such, entire proceedings cannot be quashed.

5. As per record, opposite party no.2 lodged the present F.I.R. as Case Crime No. 670 of 2023, under Sections 147, 452, 323, 504, 506 and 427 I.P.C. against the applicants and three unknown persons regarding the incident dated 25.11.2023. The injured/opposite party no.2 was medically examined at Primary Health Centre, Soraon, District Prayagraj wherein no external injury was seen in his body but medical report shows abraded contusion in the chest. The Investigating Officer, after completion of investigation filed charge-sheet against the applicants and the learned Magistrate has taken cognizance on 29.04.2025.

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 applicants. 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 528 BNSS. 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.)

June 5, 2026

Vijay