



2026:AHC:125305

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 19627 of 2026

Hanshal @ Harsh And 3 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Satya Narayan Yadav
Counsel for Opposite Party(s)	:	G.A.

Court No. - 34

HON'BLE CHAWAN PRAKASH, J.

1. Heard 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 pleased to allow this application and to quash the entire criminal proceedings as well as charge sheet dated 25.5.2025 as well as cognizance order dated 30.10.2025 passed by Additional Chief Judicial Magistrate, Court No.2, Etawah in Case No. 30254 of 2025 (State Vs. Hanshal @ Harsh and others), arising out of Case Crime No. 129 of 2025, under section 115(2), 352, 351(3) B. N. S., Police Station Jaswant Nagar, District Etawah, which is pending to the court of Additional Chief Judicial Magistrate, Court No.2, Etawah."

3. Learned Counsel for the applicant submits the applicants are innocent and have been falsely implicated in the present case. He further submits that applicant nos. 1 to 3 are students and applicant no.4 is the Branch Manager of Co-operative Bank Ltd., Orai, Jalaun. Opposite party no.2 lodged the F.I.R. on the basis of false and baseless allegations alleging that on 03.05.2025, they have beaten him. Opposite party no.2 was medically examined at C.H.C., Jaswant Nagar, Etawah. As per medical report, nature of injuries are simple. The medical report does not support the allegation as alleged in the F.I.R. He further submits that one Mata Prasad, Raj Narayan, Sagar Singh and other independent witnesses have given affidavit to the

Senior Superintendent of Police, Etawah stating that the applicants were not present at the place of occurrence but the Investigating Officer did not consider the said affidavits during investigation and on the basis of statements of opposite party no.2 and other witnesses, filed charge-sheet against the applicants and the learned Magistrate has taken cognizance on 30.10.2025, 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 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. According to the facts of this case, opposite party no.2 filed an F.I.R. as Case Crime No. 129 of 2025, under Sections 115(2), 352 and 351(3) BNS at Police Station Jaswant Nagar, District Etawah against the applicants with an allegation that on 03.05.2025, they have beaten him. Opposite party no.2 was medically examined at C.H.C., Jaswant Nagar, Etawah on 03.05.2025 at 1:16 p.m. As per medical report, the duration of injuries were one and a half days old. The Investigating Officer recorded the statements of opposite party no.2 and other witnesses and on the basis of evidence collected during investigation, filed charge-sheet against the applicants and the learned Magistrate has taken cognizance on 30.10.2025.

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 filed under Section 528 BNSS is **dismissed**.

(Chawan Prakash,J.)

June 4, 2026
Vijay