



2026:AHC:124259

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 19918 of 2026

Anku @ Ankit And 4 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Mrityunjay Dwivedi
Counsel for Opposite Party(s)	:	G.A.

Court No. - 34

HON'BLE CHAWAN PRAKASH, J.

1. Heard Sri Mrityunjay Dwivedi, learned counsel for the applicants, learned A.G.A. for the State and perused the record.

2. The applicants filed the present application under Section 528 B.N.S.S. to quash the entire criminal proceedings as well as impugned charge sheet dated 30.03.2025 and cognizance order dated 26.02.2026 passed by learned Judicial Magistrate, Court No. 4, Aligarh in Case No. 84 of 2026 (State of U.P. Vs. Anku @ Ankit and others), arising out of Case Crime No. 109 of 2025, under Sections 191(2), 333, 115(2), 351(3) B.N.S., Police Station Jawan, District Aligarh, pending in the court of A.C.J.M. 9th, Aligarh.

3. Learned counsel for the applicants submitted that wife of the applicant no. 1 lodged a first information report as Case Crime No. 98 of 2025, under Sections 191(2), 115(2), 352, 351(3) B.N.S. at Police Station Jawan, District Aligarh against the opposite party no. 2 and his family members regarding the incident dated 16.03.2025. Thereafter the opposite party no. 2 lodged a first information report as Case Crime No. 109 of 2025, under Sections 191(2), 333, 115(2), 351(3) B.N.S. at Police Station Jawan, District Aligarh. He further submitted that the first information report was lodged after delay of four days without any plausible explanation. The injured Sandhya and Priya Sharma were medically examined at C.H.C. Jawan. He next submitted that statements of opposite party no. 2, injured Sandhya and Priya Sharma were recorded and there are major contradictions in their statements. After investigation,

charge sheet was filed and the learned Magistrate has taken cognizance. He next submitted that on the basis of false and frivolous allegations made in the first information report, no case is made out against the applicants, therefore, cognizance order as well as charge sheet is liable to be set aside.

4. *Per contra*, learned A.G.A. vehemently opposed the submissions as advanced by learned counsel for the applicants and submitted that opposite party no. 2 lodged a first information report as Case Crime No. 109 of 20256, under Sections 191(2), 333, 115(2), 351(3) B.N.S. at Police Station Jawan, District Aligarh regarding the incident dated 16.03.2025 wherein he has categorically stated that the applicants assaulted the opposite party no. 2. The injured Sandhya and Priya Sharma were medically examined at C.H.C. Jawan. During investigation, statements of opposite party no. 2, injured Sandhya and Priya were recorded wherein they fully supported the prosecution case. After investigation, charge sheet was filed against the applicants and the learned Magistrate has taken cognizance. He further submitted that on the basis of evidence collected during investigation, it cannot be said that no offence is made out against the applicants, therefore, application is liable to be dismissed.

5. According to the facts of this case, a first information report as Case Crime No. 109 of 20256, under Sections 191(2), 333, 115(2), 351(3) B.N.S. was registered at Police Station Jawan, District Aligarh regarding the incident dated 16.03.2025. As per the allegations made in the first information report, the applicants assaulted the daughters of the informant who sustained injuries. They were medically examined at C.H.C. Jawan. During investigation, statements of opposite party no. 2 and injured were recorded. After investigation, charge sheet was submitted against the applicants and the learned Magistrate has taken cognizance.

6. From the perusal of material on record and the facts of the case, at this stage, it cannot be said that no offence is made out against the applicants. All the submissions made at the bar relates to the disputed questions on fact, which cannot be adjudicated upon by this Court in exercise of power conferred under Section 528 B.N.S.S.. At this stage, only prima facie case to be considered in the light of the law laid down by Supreme Court in the case of ***RP Kapoor Vs. State of Punjab, AIR 1990 SC 66; State of***

Haryana Vs. Bhajan Lal, 1992 SCC (Criminal) 426; and State of Bihar Vs. P.P. Sharma, 1992 SCC (Criminal) 192. The disputed defence of the applicants 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 and the application is dismissed.

(Chawan Prakash,J.)

June 1, 2026

Rmk.