



2026:AHC:124616

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 17785 of 2026

Saddam Husain And 9 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Indra Mohan Singh
Counsel for Opposite Party(s)	:	G.A., Nishant Dwivedi

Court No. - 38

HON'BLE KSHITIJ SHAILENDRA, J.

1. Heard learned counsel for the applicants, learned Additional Government Advocate for the State-opposite party No. 1 and learned counsel appearing for opposite party no. 2.

2. The instant application under Section 528 B.N.S.S. has been filed by the applicants for quashing the charge sheet dated 28.08.2025, summoning order dated 07.02.2026 as well as entire proceedings of Criminal Case No. 89 of 2026 (State vs. Shahanwaj and others) arising out of Case Crime No. 289 of 2025, under Sections 191(2), 115(2), 326(e), 351(3), 352, 329(3) BNS, Police Station Jalesar, District Etah pending in the court of Additional Chief Judicial Magistrate, Jalesar, Etah.

3. Submission is that all the applicants have been maliciously dragged in the criminal prosecution and they have their agricultural holdings on the spot and the dispute being of revenue nature and proceedings under Section 24 of U.P. Revenue Code, 2006 have already been undertaken on the spot, no case of criminal nature stands made out against the applicants and the police has wrongly submitted charge sheet and the learned Magistrate has, without looking to the record of investigation, wrongly taken cognizance in the matter.

4. Learned A.G.A. submits that during the course of investigation, statement of Lekhpal was recorded, who supported the prosecution case.

5. Learned counsel for opposite party no. 2 submits that an order under

Section 24 of the Code, 2006 was passed on 11.06.2025 in favour of opposite party no. 2 and boundary marks were also established, however, on the very next day, the applicants forcibly dismantled the same and when objected, they committed physical assault. It is further submitted that opposite party no. 2-informant is a physically handicapped person and is a victim of audacity of the applicants.

6. Having considered the submissions made, I find that the Lekhpal, who himself is a Revenue Authority and instrumental in the proceedings under Section 24 of the Code, had supported demarcation activity undertaken on the spot on 11.06.2025 and also the fact that immediately thereafter on the next day, the applicants dismantled the boundary marks and attempted to include the holdings of the opposite party no. 2 in their own holdings.

7. Apart from the aforesaid, there is nothing on record to indicate as to why opposite party no. 2 would lodge F.I.R. against the applicants and it is apparently clear that on account of activity of demarcation carried out and change of spot position, dispute arose between the parties and, therefore, F.I.R. was lodged.

8. Considering the nature of allegations, cognizable offence stood made out and based upon the record of proceedings, there appears to be no illegality on the part of the Investigating Agency in submitting the charge sheet.

9. After some arguments, learned counsel for the applicants has made a statement at the Bar, on instructions, that he does not want to press other prayers made in the instant application and states that the applicants are ready to appear before the court below and seek bail and that their release be considered in view of law laid down by Hon'ble Apex Court in the case of **Satender Kumar Antil Vs. Central Bureau of Investigation and another : (2022) 10 SCC 51**.

10. Per contra, learned Additional Government Advocate as well as learned counsel for opposite party no. 2 state that they have no objection to the aforesaid prayer made by learned counsel for the applicants for not pressing the other prayers made in the instant application.

11. In view of the above, in case the applicants appear before the court below within 45 days from today and seek bail, their release be considered in view of law laid down by Hon'ble Apex Court in the case of **Satender Kumar Antil (supra)**.

12. For a period of **45 days** from today, no coercive action shall be taken against the applicants in the aforesaid case.

13. With the aforesaid directions, this application under Section 528 BNSS stands **disposed of**.

(Kshitij Shailendra,J.)

June 2, 2026

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