



2026:AHC:57164

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 39187 of 2025

Sudhakar And 4 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Dibyanshu Kushwaha, Rajiv Kumar Mishra

Counsel for Opposite Party(s) : G.A., Harendra Prakash Dwivedi

Court No. - 75

HON'BLE SAURABH SRIVASTAVA, J.

1. Heard learned counsel for the parties.

2. The instant application has been preferred for seeking quashing of the entire proceedings of Case No.1518 of 2025 (State vs. Sudhakar and Others) arising out of Case Crime No.282 of 2024, under sections 115(2), 352, 351(2), 324(4), 191(2) BNS, P.S. Nawabganj, District- Ganga Nagar (Commissionerate Prayagraj), pending before learned court of Additional Chief Judicial Magistrate-16, Allahabad, including cognizance order dated 13.06.2025.

3. Learned counsel for applicants argued that applicants have been falsely implicated in the present case by opposite party no.2 only to harass them, whereas by bare perusal of the narration made in the FIR, there is hardly any allegation levelled against applicants upon which trial can proceed. It has also been argued by learned counsel for applicants that the narration of FIR itself demonstrates the earlier incident, wherein some of the applicants has already been facing trial in pursuance to several other sections, which includes section 302 IPC also; the narration of the instant FIR is merely based upon apprehension. Learned counsel for applicants has further submitted that the present criminal proceeding is abuse of process of law. Learned counsel for applicants further submitted that if there is hardly any allegation levelled against applicants then under which circumstance, the concerned Investigating Officer submitted chargesheet against them whereupon without applying its judicial mind, learned court concerned took cognizance of offence over the said chargesheet which is bad in the eye of

law and as such, same may be quashed. In support of his submissions, learned counsel for applicants placed reliance upon a judgment passed by Hon'ble the Apex Court in the case of **State of Haryana Vs. Bhajan Lal [1992 Supp (1) SCC 335]**.

4. Per contra, learned counsel for opposite party no.2 as well as learned AGA vehemently opposed the prayer as made in the application by way of submitting that the contentions, which are sought to be raised on behalf of applicants, would relate to disputed questions of fact, and would involve appreciation of evidence.

5. After having the rival contentions raised by learned counsel for parties and perusal of the entire material available on record, this Court finds that no case is made out against applicants for proceeding with the trial since the allegations as made through FIR against them, is totally vague in nature and merely on the basis of apprehension, which is demonstrating earlier incident.

6. In **Bhajan Lal (supra)**, Hon'ble the Supreme Court had already set out the broad categories of cases in which the inherent power under Section 482 Cr.P.C. could be exercised. Para 102 of the decision reads as follows:

'102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any

offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the Act concerned (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the Act concerned, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.'

7. The case in hand, the allegations against the applicants, such as they are, are wholly insufficient and, prima facie, do not make out a case against them. Further, they are so farfetched and improbable that no prudent person can conclude that there are sufficient grounds to proceed against them. In effect, the present case falls squarely in *categories (1) and (5)* set out in **Bhajan Lal (supra)** and as such, permitting the criminal process to go on against the applicants herein in such a situation would, therefore, result in clear and patent injustice. This is a fit case for exercising its inherent power under Section 528 BNSS to quash entire proceedings.

8. In view of the aforementioned facts and circumstances as well as in light of said decisions of Hon'ble the Apex Court, Case No.1518 of 2025 (State vs. Sudhakar and Others) arising out of Case Crime No.282 of 2024, under sections 115(2), 352, 351(2), 324(4), 191(2) BNS, P.S. Nawabganj, District-Ganga Nagar (Commissionerate Prayagraj), pending before learned court of Additional Chief Judicial Magistrate-16, Allahabad, including cognizance order dated 13.06.2025, are hereby quashed.

9. Accordingly, the instant application is **allowed**.

10. However, it is made clear that in case any prejudice caused to the

opposite party no.2 in respect of any illegal activity, if carried out in future, the same shall be redressed by concerned authority after proper verification of the matter, if reported by the opposite party no.2.

March 19, 2026
Saif

(Saurabh Srivastava,J.)