



2026:AHC:60354

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 9320 of 2025

Pradeep Agarwal

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Aushim Luthra, Pranav Tiwary
Counsel for Opposite Party(s)	:	G.A.

Connected with

APPLICATION U/S 482 No. - 7971 of 2023

Jaswant

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Aravind Kumar Tripathi
Counsel for Opposite Party(s)	:	G.A.

And

APPLICATION U/S 482 No. - 26310 of 2024

Raghvendra Tripathi

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Rajesh Kumar Nishad, Shyam Singh, Vinod Kumar Yadav
Counsel for Opposite Party(s)	:	G.A.

And

APPLICATION U/S 482 No. - 37783 of 2024

Brijesh Dubey And 2 Others

.....Applicant(s)

Versus

State of U.P. and Another
.....Opposite
Party(s)

Counsel for Applicant(s) : Ajay Kumar Sharma, Atul Sharma
Counsel for Opposite Party(s) : G.A.

And

APPLICATION U/S 482 No. - 40955 of 2024

Harikant Tiwari Alias Bachhauni
.....Applicant(s)

Versus

State of U.P.
.....Opposite
Party(s)

Counsel for Applicant(s) : Pradip Kumar Shukla
Counsel for Opposite Party(s) : G.A.

And

APPLICATION U/S 482 No. - 43742 of 2024

Prakash Narayan Pandey
.....Applicant(s)

Versus

State of U.P. and Another
.....Opposite
Party(s)

Counsel for Applicant(s) : Anand Kumar Singh, Manoj Kumar
Mishra
Counsel for Opposite Party(s) : G.A.

And

APPLICATION U/S 528 BNSS No. - 16088 of 2025

Udayveer Singh Gaur And Another
.....Applicant(s)

Versus

State of U.P.
.....Opposite

	Party(s)
Counsel for Applicant(s)	: Anurag Mishra
Counsel for Opposite Party(s)	: G.A.

Court No. - 34

Judgement Reserved on 16.02.2026

Judgement Delivered on 24.03.2026

HON'BLE ANISH KUMAR GUPTA, J.

1. Heard Sri Manish Tiwari, learned Senior Advocate assisted by Sri Pranav Tiwari, Advocate and Sri Ausim Luthra, Advocate, and Sri Anand Kumar Singh, Advocate, Rajesh Kumar Nishad, Advocate, Sri Pradip Kumar Shukla, Advocate, Sri Anurag Mishra, Advocate, Sri Aravind Kumar Tripathi, Advocate and Sri Atul Sharma, Advocate for the applicants and Sri Manish Goyal, learned Additional Advocate General assisted by Sri Arvind Kumar, learned Additional Government Advocate for the State.

2. The application under Section 528 BNSS No. 9320 of 2025 Pradeep Agarwal Vs. State of U.P. and Application under Section 482 Cr.P.C. No. 43742 Prakash Narayan Pandey Vs. State of U.P. have been filed by the applicants seeking quashing of charge-sheet dated 11.11.2022 as well as the impugned summoning order dated 05.11.2024 and entire proceedings of Case No. 231160/2022 (State of U.P. vs. Sidh Gopal Gupta and others), arising of Case Crime No. 574/1984 under Sections 396 and 436 I.P.C., P.S. - Naubasta, District- Kanpur Nagar, pending in the Court of Chief Judicial Magistrate- Kanpur Nagar.

3. The application under Section 482 Cr.P.C. No. 7971 of 2023 Jaswant Vs. State of U.P. & Ors. has been filed by the applicant being aggrieved by charge-sheet dated 12.01.2022 as well as the impugned summoning order dated 12.01.2022 and entire proceedings of Case No. 144538/2022 (State of U.P. vs. Safiulla and others), arising of Case Crime No. 368/1984 under Sections 396, 436 and 326 I.P.C., P.S. – Kidwai Nagar, District- Kanpur Nagar, pending in the Court of Chief Judicial Magistrate- Kanpur Nagar.

4. The application under Section 482 Cr.P.C. No. 26310 of 2024 Raghvendra Tripathi Vs. State of U.P. & Ors. has been filed by the applicant being aggrieved by charge-sheet dated 16.05.2023 as well as the impugned summoning order dated 16.05.2023 and subsequent warrants issued against the applicant and entire proceedings of Case No. 105174/2023 (State of U.P. vs. Raghvendra Tripathi), arising of Case Crime No. 404/1984 under Sections 396, 336 I.P.C., P.S. – Govind Nagar, District- Kanpur Nagar, pending in the Court of Chief Judicial Magistrate- Kanpur Nagar.

5. The application under Section 482 Cr.P.C. No. 37783 of 2024 Brijesh Dubey & two Others Vs. State of U.P. & Ors. has been filed by the applicant seeking quashing of entire proceedings of Case No. 143597/2023 (State of U.P. vs. Rajendra Kumar Jaiswal & Ors.), arising of Case Crime No. 111-A/1984 under Sections 147, 302, 436 I.P.C., P.S. – Armapur, District- Kanpur Nagar, pending in the Court of Chief Judicial Magistrate- Kanpur Nagar. During the pendency of the instant application, it is informed by the counsel for the applicant that Applicant No. 3, Umashankar has died on 29.12.2025 and a death certificate has also been produced, which is taken on record. Thus the instant application abates qua the applicant no.3 Umashankar.

6. The application under Section 482 IPC No. 40955 of 2024 Harikant Tiwari Alias Bachhauni Vs. State of U.P. and application under Section 528 No. 16088 Udayveer Singh Gaur & Anr. Vs. State of U.P. have been filed by the applicants seeking quashing of charge-sheet dated 14.11.2022 as well as the impugned summoning order dated 09.01.2023 and entire proceedings of Case No. 7214/2023 (State of U.P. vs. Prema @ Premnarayan & Anr.), arising of Case Crime No. 691/1984 under Sections 396, 436 I.P.C., P.S. – Govind Nagar, District- Kanpur Nagar, pending in the Court of Chief Judicial Magistrate- Kanpur Nagar.

7. All the aforesaid 7 applications, are arising out of Anti Sikh Riots, which occurred after the assassination of Late Prime Minister Indira Gandhi. The common features in all these cases are immediately after the incidents, First Information Reports were lodged, however, in all these cases, final reports were submitted exonerating all the accused persons. Thereafter, central Government had appointed Justice Nanavati

Commission to enquire into Anti Sikh Riots Cases. Report was submitted by the said commission describing the said offences as crimes against humanity. Later, on Writ Petitions filed in the Apex Court and the Apex Court had appointed Special Investigation Team to investigate the matters, which reported that in various cases original FIRs and postmortem Reports and other documents are not available and in some of the cases, even the FIRs could not be extracted even by the Forensic laboratories. Considering the aforesaid facts and circumstances, the Apex Court directed that the cases in which the FIR has been extracted be investigated and tried. Pursuant to the aforesaid directions the investigations have been carried out, witnesses were examined and thereupon the Charge Sheet has been filed against the applicants, whereupon the Chief Metropolitan Magistrate has taken cognizance in all the cases herein. All the applicants are seeking quashing of the entire proceedings of the instant cases, mainly on the ground that since the original records of the case are not available there could not be any effective trial and the entire proceedings would be nothing but a futile exercise and would cause undue harassment to all the applicants. Since, all these cases involve the above common features, therefore all the above cases have been heard together and are being decided by this common judgment.

8. Briefly stated facts of the above cases are that these cases involve the Anti-Sikh Riots, which followed the assassination of the then Late Prime Minister Smt. Indira Gandhi on 31.10.1984. The said Anti-Sikh riots had taken place throughout the country, targeting the persons of Sikh community in various corners thereby thousands of persons belonging to the Sikh community who were living peacefully were killed, houses were burnt and articles found in the houses and shops of persons belonging to Sikh community were robbed and dismantled. Various persons were burnt alive after brutally beating them. In some of the cases, various F.I.Rs were lodged and despite the aforesaid incidents of brutal nature, almost in all the F.I.Rs the final reports were submitted and the cases were closed within a short period of time after registration of the F.I.Rs.

9. Subsequently, a Commission of Inquiry was appointed by the Central Government in the year 2000 being headed by Retired Justice G.T. Nanavati. The Nanavati Commission has submitted a report to the Central

Government and recorded its finding that due to the aforesaid Anti-Sikh riots, the Sikh community has become refugee in their own country, and they had to report to the refugee centers to be guarded by the Army and defense personnel. Justice Nanavati Commission has also named various persons who were politically connected and who were actively involved in escalating the riots which took place in the year 1984.

10. On the basis of the aforesaid report of Nanavati Commission, a writ petition filed before the Apex Court and the Apex Court belatedly taken judicial notice of the mass violence against the humanity and various directions were issued by the Apex Court for investigation of crimes against Sikh community. The Supreme Court has also appointed Special Investigation Team which was headed by the retired judge of Honorable High Court. The Special Investigation Team which was so appointed by the Apex Court, has examined the cases throughout the nation. So far as the State of U.P. is concerned, the Special Investigation Team found that a total of 186 cases in the State of U.P. could be investigated. Out of these 186 cases, 20 cases were identified in District- Kanpur Nagar. Out of these 20 cases of Kanpur Nagar, in 11 of such cases, the charge-sheet was filed after re-investigation of the cases and re-examining the available witnesses. After re-investigation, the charge-sheet was filed against the accused persons, including the applicant herein in the instant case and subsequently, the applicant herein has been summoned vide order dated 05.11.2024. Therefore, before proceeding further, it would be noteworthy that two of the writ petitions, which were filed before the Apex Court in which various directions were issued, as noted hereinabove one Writ Petition (Criminal No. 9 of 2016, S. Gurlad Singh Kahlon vs. Union of India) and others and Writ Petition (Criminal No. 45 of 2017, Manjit Singh G.K. and another vs. Union of India another), which had been re-titled as Delhi Sikh Gurdwara Management Committee and another vs. Union of India and others.

11. Just to have an idea regarding nature of the brutality, it will be relevant to take note of facts of lead case, the brief facts as reflected from the FIR are that the opposite party no.2 herein had lodged an F.I.R. being Case Crime No. 574 of 1984 stating therein that on 01.11.1984 in the morning, at about 8:00 A.M., he was present in the house along with his father- Gurmukh Singh, Mother- Awtar Kaur, Sister- Satveer Kaur

(Babli), his wife- Surjeet Kaur, his brother- Sarvjeet Singh and his wife- Kawaljeet Kaur and younger brother- Sardul Singh, and one Sardar Gurdial Singh s/o Sardur Singh Dabouli, who came there for the 'path' of Guru Granth Sahib. At that time, various miscreants came to the house of the informant and they tried to get break open the door. When the gate could not be opened, they jumped over the wall and tried to break open the gate, and subsequently they have broken the gate. The said miscreants poured petrol and kerosene oil on the walls of the house and ablaze the same. When the persons present in the house felt suffocation, then the father of the informant opened the door of the room and requested the miscreants with folded hand to let them go out of the house. Thereafter, whatever they could do to the house, let them do but the mob did not pay any heed. They have forcibly taken his younger brother- Sardul Singh and Sardar Gurdial Singh out of the house, brutally beaten them with lathis and iron rods and thereafter, ablaze the younger brother by tying a mattress on his face, due to which he died and they also killed Gurdial Singh. The informant, his brother, and parents tried to save others family members and they were being assaulted by the crowd. The miscreants also put fire on the clothes of the Kawaljeet w/o Sarvjeet Singh. Due to this, she sustained the burn injuries. At that time, police jeep and PAC came there. Seeing them, the miscreants had left at around 11:30. Police and PAC had taken them to Ursula Hospital, where they were admitted. They were medically examined and they got the treatment upto 09.11.1984. When they were discharged from the hospital and they reached to the Ranjit Nagar camp.

12. It is noteworthy that the Special Investigation Team (in short, 'SIT') and the Apex Court had directed the re-investigation of the cases only in which the F.I.R. could be extracted from the available record. In out of 20 cases, in 9 of such cases, the F.I.R. could not be extracted, therefore, no re-investigation could be conducted. As per the directions of the Apex Court, the Special Investigation Team had recorded the statement of various witnesses in the instant cases.

13. In the instant case, since the F.I.R. was reconstructed with the due permission obtained from the Chief Metropolitan Magistrate, Kanpur Nagar, the investigation was carried out. The copy of the reconstructed F.I.R. is available as part of the Case Diary at page '69' of the paper book

in the lead case. During the investigation, the SIT had recorded the statement of the witnesses. On the basis of the statements of witnesses and the documents collected by the investigation agencies, the accused persons were identified and charge sheeted.

14. It is also noteworthy, almost in all the cases, the Investigation Agency has tried to collect the records of the previous investigations carried out in the aforesaid cases, however, it was informed by the official witnesses that the original records, were weeded in the year 1990 as per the directions issued by the then Superintendent of Police. The aforesaid facts were also recorded in the investigations carried out by the CBCID in the year 1991. Thus in the office of the police record room, the documents such as Case Diary, final reports and other documents are not available on record with regard to the Sikh riots, therefore, the said documents cannot be provided.

15. The similar report was also submitted to Senior Superintendent of Police. The statement of Record Keeper of the CMO office, Kanpur Nagar, namely was also recorded. He stated that the reports regarding the dead persons in the Sikh riots were asked vide letters dated 15.10.2019, 30.10.2019 and 31.10.2019.

16. On the perusal of the record of the office, the reports of dead persons in the Sikh riots were destroyed by the termites. Therefore, the same could not be made available. Such report has already been submitted. After concluding the investigation, the charge-sheets were filed against applicants herein.

17. Subsequently, the learned trial court has taken cognizance against the accused persons including the applicants herein.

18. The main contention of learned counsel for the applicants herein is that since neither the original F.I.R. nor the previous final reports submitted in the instant case nor the postmortem reports of the deceased persons, nor any injury report sustained by any of the injured/ dead persons are available on record as has been stated by the Record Keepers of the SSP office as well as the Record Keeper of the CMO office and in the instant cases, the case of the prosecution is that after seeking permission from the CMM Kanpur Nagar, they started further

investigation in the instant case. Unless, the record of the previous investigation is available on record, the further investigation cannot proceed.

19. It is further submitted by learned Senior Counsel as well as other counsels appearing for the applicants that identity of the accused persons is seriously doubtful in the instant cases. The incident is of 1984 and the statement of witnesses which are being relied upon against the applicant are recorded in the year 2020-22 and the previous statements and the documents are not available on record. Therefore, learned counsel for the applicant further submits that the delay in recording the statement of the witnesses itself is a ground for quashing of the proceedings. Relying upon the judgment of the Apex Court in *Jitendra Kumar Rode vs. Union of India*, SLP (Crl.) No. 2063 of 2023, dated 24th April, 2023, it has been submitted that for want of the original record, the fair trial cannot take place in the instant case.

20. He further submits that Article 21 entails the protection of liberty from any restriction in the absence of fair and legal procedure. Thus, without the original record being available, the trial cannot proceed. Thus, learned Counsels for the applicant seeks quashing of the entire proceedings of the instant cases against the applicants herein.

21. *Per contra*, Sri Manish Goyal, learned Additional Advocate General appearing for the State submits that while directing further investigation/re-investigation in the instant case, the Apex Court was fully aware that the record of the previous investigation, final report, postmortem report etc., are not available and looking at the plight of the Sikh community as a whole, who had lost various lives and properties in the Anti-Sikh riots, after the assassination of late Prime Minister Smt. Indira Gandhi, various innocent persons of the community were killed without there being any fault on their part and justice has not been served to them. Being fully aware about the facts and situation and availability of the record, the Apex Court has directed further/re-investigation in the instant cases wherever the F.I.R. could be extracted and reconstructed. Some of the injured eyewitnesses are still available and having regard to the aforesaid facts and circumstances, the investigation has been directed by the Apex Court and investigation has been carried out after seeking

proper permission from the concerned Chief Metropolitan Magistrate.

22. Thus, in the instant case the investigation has been carried out as per the directions of the Apex Court and relying upon the Article 144 of the Constitution of India, Additional Advocate General has submitted that all the civil and judicial authorities are bound to act in aid of the Supreme Court in the territory of India including this Court. Therefore, this Court has no jurisdiction to interfere with the process of investigation and the trial of the instant cases, which is being done as per the directions of the Apex Court, which has taken judicial notice of the crime committed against humanity. Once the judicial notice has been taken by the Apex Court with regard to the crime against humanity, perpetrators of such crime cannot plead technical grounds that time has passed and that they are old, feeble and bed ridden and hence, should not be prosecuted.

23. The similar breach of delay of investigation had taken place in case of ***Sajjan Kumar vs. CBI reported in 2009 (9) SCC 368***, which was repelled by the Apex Court while directing the trial court to proceed with the trial and delay in recording the statements was rendered ineffective to proceed with trial in the crime in Anti-Sikh riots incident and the Supreme Court has categorically held that entire proceedings of the aforesaid cases cannot be closed merely on the ground of delay. However, Supreme Court has directed that trial court is free to analyze, appreciate, and evaluate and arrive at the proper conclusion based on the material placed by the prosecution against the defense. In response to the argument of the applicant, various witnesses of the charge-sheet have died or are not available.

24. Learned Additional Advocate General has relied upon Section 32 of the Indian Evidence Act, 1872 and submitted that the statement of the deceased persons which were recorded earlier are the relevant facts which can be taken judicial notice of. Learned Additional Advocate General has further submitted that though there is a delay in recording the statement of witnesses in the instant case, but since it was an heinous act against the community and the family members of the witnesses, which had a long imprint in the minds of the witnesses, and even after such a long time, they are able to depose categorically with regard to the incident, how it has taken place, and they have also been able to identify the persons who

were involved in the incident, as they were the neighbours around them and were previously known to the witness.

25. It is further submitted by learned Additional Advocate General that in statement of immediate family members is reduced to writing under Section 161 Cr.P.C. and is corroborated by the other eyewitnesses in the same manner describing the incident to have taken place and is being deposed by several other persons.

26. The statement by that person who is dead, will be deemed as a statement of person who is alive. The law in this regard has been settled for long. In support of his submissions, learned Additional Advocate General has relied upon judgements, which reads as under:

1. Redfort vs. Birley : 1822 (3) Stark 76
2. Dalgovinda Paricha vs. Nimai Charan Misra : AIR 1959 SC 914
3. Kalindindi Venkata Subbaraju vs. Chintalapati Subbaraju: AIR 1968 SC 947
4. Bindeswari Singh vs. Ramraj Singh : AIR 1939 All. 61

27. In view of the aforesaid, learned Additional Advocate General seeks dismissal of the instant application so that the trial can proceed in the matter as is expected by the Apex Court vide order dated 25.07.2025 passed in Writ Petition Criminal No. 45 of 2017.

28. In Rejoinder and further hearing of the matter, it has been pointed out by the Learned Counsel for the applicants that in the case of Sajjan Kumar, the trial Court has already acquitted him for want of the sufficient evidence. Thus no fruitful purpose would be served by directing the applicants to face the trial at the fag end of their lives. It has also been stated that Rajendra Kumar Jaiswal one of the applicant in application under Section 482 IPC No. 37783 of 2024, had joined the Ordinance factory, in the year 1991, therefore, he could not be present at the time of incident.

29. Having heard the rival submissions so made by learned counsel for the parties, this Court has carefully gone through the record of the case. It

is an undisputed fact of the instant case that though the F.I.Rs. were lodged immediately after the incident itself, the final reports were submitted in hurried manner and record of the previous investigation including the original copy of the F.I.Rs. as well as the postmortem reports/ injury reports etc. have already either been weeded out or have been destroyed by the termite etc., and the same is not available on record. However, the incident in the instant case is part of larger chain of incidents which have taken place against the Sikh community throughout the country after the assassination of late Prime Minister Smt. Indira Gandhi. The nature of the incidents was like a genocide against a particular community in which various innocent persons were killed, ablazed alive, house and properties were burnt, destroyed and looted and such a large scale crime, committed against humanity gone unnoticed and in almost all such cases the final reports were submitted in a hurried manner to save various accused persons, who were involved in the incident. Various efforts were made to bring it to the notice. Various commissions were formulated for investigation of the aforesaid crimes against the humanity including the Nanavati Commission, where also the statement of various witnesses were submitted in the form of affidavit and subsequently on the writ petitions filed before the Apex Court, the Apex Court has taken judicial notice of aforesaid large scale crimes against humanity.

30. In the writ petitions filed in the year 2016 and 2017, after taking the judicial notice, the Apex Court has constituted the Special Investigation Team headed by the retired High Court Judge, which in turn had submitted its report, identified the cases all over India including around 186 cases in the State of U.P. Out of these 186 cases, 20 cases were identified in District Kanpur Nagar. In 11 of such cases, the investigation with the permission of the concerned CMM, Kanpur was carried out and statement of various victims and eyewitnesses were recorded and having found a *prima facie* case on the basis of the material supporting the allegations, the charge-sheet has been filed against the applicant herein including the other accused persons. Though, in the F.I.R., descriptions of the some of the accused persons was given by their professional identity, however, later on witnesses have identified them by names as well and it was categorically mentioned by the witnesses that the applicants were

also part of the mob, who had assaulted, killed the family members of the informant and looted and ablaze the house of the informants and the victims and thereupon the charge-sheet was filed and taking note of the charge-sheet, having found a *prima facie* case, the trial court has summoned the applicants herein.

31. From the material available on record, a *prima facie* case against the applicants herein is made out in the instant cases as is reflected from the F.I.R. Statement of witnesses which are duly supported by the other witnesses. Involvement of the applicants herein is categorical as is reflected from the statement of witnesses.

32. With regard to 186 cases of the State of U.P., vide order dated 11.01.2018 passed in Writ Petition (Criminal) No. 9 of 2016 as Gurlad Singh Kahlopn vs. Union of India, the Apex Court has constituted a Special Investigation Team and directed the S.I.T. to carry out the further investigation in respect of 186 cases and submit its status report.

33. Subsequently, vide order dated 12.01.2024 passed in Writ Petition (Criminal) No. 45 of 2017, the Apex Court has categorically noted that having received the recommendation made by the S.I.T, the Apex Court has decided that out of the 20 cases which were directed to be re-investigated in Kanpur, in 11 cases the charge-sheet have been filed. Thus, the Apex Court was fully aware about the non-availability of the original records of the cases and thereupon that the Apex Court had directed to re-investigate the cases and when the Apex Court has directed the re-investigation of the case, delay in recording the statements of the witness cannot be said to be fatal to the prosecution.

34. In terms of the aforesaid order, the Special Investigation Team has sought permission from the concerned CMM/Judicial Magistrate, Kanpur Nagar and thereafter, carried out the investigation in each of the cases and thereafter Special Investigation Team has submitted the report before the Apex Court, time to time. After submission of the charge-sheet, various petitions were filed including the instant petition before this Court. The Apex Court has taken note of the aforesaid cases including instant applications in its order dated 25.07.2025 and the following observations were made:

"5. What bothers us is that in the 11 cases where the trials commenced pursuant to the chargesheets filed by the SIT, the High Court has stayed the proceedings in three cases (Application u/s 482 No. 37783 of 2024, Application u/s 482 No. 7971 of 2623 and Application u/s 528 BNSS No. 16688 of 2025). While we do not wish to impact the right of a suspect/accused to avail his/her remedy including quashing of the chargesheet, all that we request is that the High Court may take up these matters out of turn for their adjudication in accordance with law. We say so for the reason the unfortunate tragedy took place way back in the year 1984 and it is only because of repeated efforts made by this Court that the investigations were revived, SIT was constituted and on completion of investigation, the chargesheet has now been filed. One can take judicial notice of the fact that the conclusion of trial will take some reasonable time.

6. Keeping that in view, and most importantly the fact that with the passage of time, production of vital witnesses has become a difficult task, we request the High Court to take up these matters on out of turn basis and expeditiously."

35. Subsequently thereto, vide order dated 15.09.2025 passed in Writ Petition No. 45 of 2017, the Apex Court has also taken special note of the instant cases and directed the State to take appropriate steps for expeditious disposal of the instant case in the light of the earlier order dated 25.07.2025. Having regard to the aforesaid directions issued by the Apex Court, the instant cases were being heard on priority basis.

36. It is settled position of law that the constitutional Courts have jurisdiction to direct re-investigation or de-novo investigation in any case. Thus, after taking judicial notice of crime against humanity, the Apex Court has directed the investigation in the 1984 Anti-Sikh riots cases, which were identified by the Special Investigation Team constituted by the Apex Court. Therefore, on the basis of the material collected in the re-examination/further investigation in the matter, this Court is of the opinion that the prima facie case is made out against the applicants herein

as there is sufficient material to show involvement of the applicants herein as well as the identity of the applicants herein. Merely because, the long time has passed during the incident and the investigation, that cannot be a ground for quashing of the proceedings of the instant case as has already been held by the Apex Court in the Case of Sajjan Kumar (Supra). So far as the plea of alibi taken by one of the applicant Rajendra Kumar Jaiswal is concerned, the same is required to be pleaded and proved during the trial, merely on the basis of the said submission, the proceedings cannot be quashed.

37. It is settled position of law that once a prima facie case is made out, the High Court should not exercise its extraordinary power under Section 482 Cr.P.C/528 BNSS to quash the proceedings. In this regard reference can be made to judgments of the Apex Court in ***State of Haryana v. Bhajan Lal*** [*State of Haryana v. Bhajan Lal*, 1992 Supp (1) SCC 335 : 1992 SCC (Cri) 426], ***Neeharika Infrastructure Pvt. Ltd. vs. State of Maharashtra and Others*** : 2021 SCC OnLine SC 315 and ***R.P. Kapur Vs. State of Punjab***, AIR 1960 SC 866.

38. In view of the aforesaid, this Court does not find any good ground for interference in the instant proceedings. Accordingly, all the aforesaid applications are hereby ***dismissed***.

(Anish Kumar Gupta,J.)

March 24, 2026
Shubham Arya