2026:AHC:212663

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 11625 of 2026

Devidas Shukla

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Dinesh Kumar Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 73

HON'BLE DR. GAUTAM CHOWDHARY, J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the material brought on record.

2. The present application under Section 528 BNSS has been filed praying for quashing of charge sheet dated 22.09.2021, cognizance order dated 22.02.2022 as well as entire proceeding of Case No. 2251 of 2022, State Vs. Devidas Shukla, arising out of Case Crime No. 1099 of 2019, under Sections 420, 406 I.P.C. and Section 66D of I.T. Act Police Station Civil Lines, District Moradabad. Further prayer has been made for quashing of non bailable warrant order dated 20.01.2023 as well as order dated 02.03.2024 issuing process under Section 82 Cr.P.C. against the applicant.

3. The contention of learned counsel for the applicant is that no offence against the applicant is disclosed and the present prosecution has been instituted with a malafide intention for the purpose of causing harassment. He pointed out certain documents and statements in support of his contention.

4. Having heard the learned counsel for the applicant and perused the materials brought on record, it does not appear to be a fit case praying for quashing. The prayer praying for quashing is hereby refused, at this stage as the argument raised by learned counsel for the applicant involves factual disputes and appraisal of evidence.

5. However, looking at the nature of offence alleged and attending facts and circumstances of the case, as have been brought on record, it is directed that if the applicant appears and surrenders before the court below within twenty days from today and applies for bail, his prayer for bail shall be considered and decided in accordance with law.

6. For a period of aforesaid twenty days from today, the non-bailable

warrant issued against the applicant shall be kept in abeyance.

7. The present application stands **disposed of.**

(Dr. Gautam Chowdhary,J.)

October 9, 2026
Mustaqeem.

Digitally signed by :-
MOHD MUSTAQEEM KHAN
High Court of Judicature at Allahabad