



2026:AHC:60363

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 11628 of 2026

Lieutenant Colonel Gaurav Pathania And 3 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Amit Shukla, Nilesh Kesharwani, Sr.
Advocate

Counsel for Opposite Party(s) : G.A.

Court No. - 78

HON'BLE NAND PRABHA SHUKLA, J.

1. Heard Mr. Mrigendra Singh learned Senior Advocate assisted by Mr. Amit Shukla, learned counsel for the applicants, learned A.G.A. for the State and perused the record.
2. The present application under Section 528 BNSS has been filed with a prayer to quash the entire criminal proceedings as well as Charge-sheet no. 56/2024 dated 27.08.2024 and entire proceeding of Case No. 352/2024 arising out of FIR No. 50/2023 U/S 498A, 323 and 3/4 D.P. Act, P.S. Mahila Thana, Allahabad pending in the court of Civil Judge, (J.D.), Court No. 21, Allahabad.
3. Learned counsel for the applicants submits that the applicants and his entire family has been falsely implicated on the basis of false and frivolous allegations. There is no injury report to substantiate the allegations.
4. From the perusal of the material on record and looking into 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 relate to the disputed questions of fact, which cannot be adjudicated upon by this Court. Only in cases where the Court finds that there has been failure of justice or abuse of procedure, this power may be exercised to prevent the abuse of process to secure the ends of justice.
5. Accordingly, prayer for quashing is declined.

6. In case, the applicants are not on bail, it is directed that if the applicants appear or surrender through counsel before the Trial Court and makes an application for bail within 45 days from the date of the order, the same shall be considered and disposed of expeditiously, after giving opportunity to the other side.

7. However, in the interest of justice, it is further provided that in case the applicants move an application for discharge at an appropriate stage through counsel within 45 days, the same shall be disposed of by the Trial Court by a reasoned and speaking order in accordance with law within two weeks thereafter.

8. For a period of 45 days or till the disposal of the discharge application, whichever is earlier, no coercive measures shall be taken against the applicants in the aforesaid case.

9. With the aforesaid direction, this application is *disposed of*.

(Nand Prabha Shukla,J.)

March 24, 2026
Aditya Tripathi