



**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

APPLICATION U/S 528 BNSS No. - 1331 of 2025

Sana Bano And 6 Others

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Deptt. Lko.
Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Kuldeep Dubey, Abhay Kumar Pandey,
Ashish Kumar Shukla, Shiv Prakash
Mishra

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

Court No. - 14

HON'BLE SHREE PRAKASH SINGH, J.

It's often seen that the applications/petitions/appeals revisions etc. are filed while mentioning of the provisions/sections of newly promulgated Acts, namely, B.N.S./B.N.S.S./B.S.A., but the corresponding provisions of repealed Acts, are not written, which creates tremendous inconvenience to this court and to the counsels appearing in such matters.

Time and Again, the advocates have also suggested that mention of the corresponding provisions of the old Acts, may facilitate in the earliest adjudication of the matters.

For the forgoing reasons, it is directed that all the matters, where provisions/reference of newly promulgated Acts (B.N.S./B.N.S.S./B.S.A.) are mentioned, in one of the paragraph, the corresponding sections/provisions of the repealed Acts, (Cr.P.C./I.P.C./Evidence Act) shall be transcribed.

Registry is directed to adhere with the aforesaid directions, strictly.

Heard learned counsel for the applicants, learned A.G.A. for the State and perused the records.

Instant application under section 482 Cr.P.C. has been filed with the prayer to quash the entire proceeding of Criminal Case No. 594 of 2025 "State of U.P. Vs. Sana Bano and others" arising out of FIR, No.0095 of 2025, under section 126 (2), 194 (2), 115 (2), 351 (3) of BNS, 2023, Police Station Dhanpatganj, District Sultanpur, pending before the court of Judicial Magistrate, Room No.38, District Sultanpur as well as to quash the impugned chargesheet dated 06.06.2025 and the impugned cognizance & summoning order dated 13.08.2025, contained as Annexure No.2 and 3 to this petition.

Contention put forth by the learned counsel for the applicants is that the applicant no. 1 is the wife of opposite party no. 2 and she lodged the first information report against the opposite party no. 2 and his family members on 21-02-2025 under sections 85, 115(2), 352, 351(3) of B.N.S. and section 3/4 of the Dowry Prohibition Act, at Police Station-Baldirai, district-Sultanpur, which is registered as F.I.R. No. 42 of 2025. He added that in retaliation thereof, the present first information report has been lodged on 12-05-2025, wherein the false allegations are levelled.

In support of his contentions, he has shown the injury report at page no. 43 of the application and submitted that it is mentioned that **'No fresh visible External mark of Injury seen all over the body at time of Examination.**

Referring the aforesaid, he submits that there is no injury on the body of the alleged injured and therefore, the whole story is concocted and false. He submits that the opposite party no.2, being the husband, is harassing the applicant no. 1(Wife) and her family members. He submits that the criminal prosecution instituted against the applicants is a malicious prosecution and the applicants are being harassed for their no fault.

In support of his contentions, he has placed reliance on the Judgment of the Hon'ble Apex Court rendered in the case of **State of Haryana Vs Bhajan Lal**, reported in **1992, AIR 604** and submitted that the case of the present applicants is squarely covered with the ratio of Judgment aforesaid and therefore, submission is that the criminal proceedings against the applicants may be quashed.

On the other hand, learned counsel appearing for the State has refuted the aforesaid contentions and submitted that there are allegations against the applicants for committing offence and after investigation, the same were found true and therefore, they are not

entitled for any relief.

Considering the submissions of learned counsels for the parties and after perusal of the records, prima-facie, it is evident that the first information report was lodged by the applicant no. 1 against the opposite party no. 2(husband) on 21-02-2025 and on 12-05-2025, the instant first information report has been lodged against the applicant no. 1, who is the wife including other six persons of the family, which seems to be in retaliation. The Injury Report is also evident that there is no mark of injury over the body of the injured though, there is allegation of assaulting the injured.

This court has also noticed that the opposite party no. 2 approached this court by way of instituting an application under section 528 of B.N.S.S. bearing no. 1074 of 2025, challenging the F.I.R. dated 12-05-2025, wherein this court has stayed the criminal proceedings against the opposite party no. 2 and his family members. Thus, prima-facie, matter requires consideration.

Let notice be issued to opposite party no. 2 returnable an early date.

Steps shall be taken within a week.

List/put up this matter in week commencing 03-11-2025 alongwith Application under section 528 of B.N.S.S. bearing no. 1074 of 2025, Mehtab Bano And 5 Others Vs State of U.P. and Another.

Till the next date of listing, the criminal proceedings arising out of FIR, No.0095 of 2025, under section 126 (2), 194 (2), 115 (2), 351 (3) of BNS, 2023, Police Station Dhanpatganj, District Sultanpur, shall remain stayed, so far as the present applicants are concerned.

(Shree Prakash Singh,J.)

September 25, 2025

AKS