



**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

APPLICATION U/S 528 BNSS No. - 1953 of 2025

Vikarna Pratap Singh

.....Applicant(s)

Versus

State Of U.P. Thru. Addl. Chief Secy. /Prin. Secy.
Deptt. Of Home And Another

.....Opposite
Party(s)

Counsel for Applicant(s)	: Nadeem Murtaza, Parth Anand
Counsel for Opposite Party(s)	: G.A.

Court No. - 30

HON'BLE INDRAJEET SHUKLA, J.

1. Heard Sri Nadeem Murtaza, learned counsel for the applicant and learned AGA for the State.
2. Present application under Section 528 of BNSS has been filed praying for quashing the summoning order dated 03.04.2025, charge sheet submitted by the Investigating Officer dated 11.12.2024 as well as entire proceedings of the Criminal Case No.24449 of 2025 (State of U.P. Vs. Vikarna Pratap Singh) arising out of Case Crime No. 0546 of 2024 under Section 356, 351(3) and 352 of the BNS akin to Sections 499, 500, 501, 502, 506 and 504 of IPC pending in the Court of Chief Judicial Magistrate, Hardoi.
3. Learned counsel for the applicant has drawn the attention of the Court that while passing the impugned summoning order, learned Chief Judicial Magistrate, Hardoi has recorded that he has perused the medical report, postmortem report etc. There is no occasion to peruse postmortem report while passing an order of summoning under Section 356 BNS. It is reflected that passing of such summoning order is a complete non application of mind. It has been further urged that for instituting criminal proceedings under Section 356 of BNS the Court is required to strictly adhere the procedure of complaint case as envisaged under Section 222 of BNSS, which puts an embargo with respect to cognizance of an offence punishable under Section 356 BNS on the police report.
4. The matter requires consideration.

5. Issue notice to respondent no.2, returnable at an early date.
6. Respondents may file their counter affidavit within a period of four weeks. Rejoinder affidavit, if any, may be filed within two weeks thereafter.
7. Till the next date of listing, effect and operation of the impugned summoning order dated 03.04.2025 passed by Chief Judicial Magistrate, Hardoi in Criminal Case No.24449 of 2025 (State of U.P. Vs. Vikarna Pratap Singh) arising out of Case Crime No. 0546 of 2024 under Section 356, 351(3) and 352 of the BNS qua the applicant, shall remain stayed.
8. Put up on 27.01.2026.
9. Registrar (Compliance) is directed to apprise the order passed today by this Court to the concerned Chief Judicial Magistrate if he is posted in Hardoi or is posted elsewhere by sending copy of this order as well as copy of summoning order contained as Annexure No.1 to this application. He may submit his explanation in a sealed cover envelop before the next of listing. Though this is a judicial proceedings, this Court cannot shut eyes when such orders are passed by Judicial Officers without application of mind.

December 3, 2025
Mohit

(Indrajeet Shukla,J.)