



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 13836 of 2026

Bibhash Chand Adhikari

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Ajeet Sharma, Sr. Advocate
Counsel for Opposite Party(s) : G.A.

Court No. - 76

HON'BLE SANJAY KUMAR PACHORI, J.

Learned Senior Counsel for the applicant is permitted to correct the prayer part of application during the course of day.

Heard Shri Anil Tiwari, learned Senior Counsel assisted by Shri Ajeet Sharma, learned counsel for the applicant and Shri A.K. Rai, learned A.G.A. for the State.

The present application under Section 528 of Bhartiya Nagrik Suraksha Sanhita, 2023 has been filed by the applicant to quash the entire proceedings of criminal case No. 17140 of 2025, arising out of case crime No. 320 of 2025, under Sections 204, 205, 318, 319, 336, 336(2), 338, 339, 3(5) of B.N.S., Section 66-C, 66-D of Information Technology Act and Sections 3/4 of Emblems and Names (Prevention of Improper Use) Act, 1950, Police Station- Phase 3, District Gautam Buddh Nagar as well as cognizance/summoning order dated 4.11.2025, pending in the court of Chief Judicial Magistrate, Gautam Buddh Nagar.

Learned Senior Counsel for the applicant submits that the first information report dated 10.8.2025 has been lodged on the basis of false and frivolous allegations with ulterior motive and only to harass the present applicant. It is further submitted that impugned F.I.R. has been lodged by Sub-Inspector of Police after recovery of mobile phones, stamp seals, cheque books, ID cards, Pan card, Voter ID card, ATM cards, CPU, ID cards of Investigation Police and Crime Investigation Bureau, one board and some cash along with arrest of present applicant and other 5 persons. It is further submitted that applicant registered an NGO namely, International Police and Crime Investigation Bureau under Societies Registration Act on 27.2.2025 and runs office of NGO. It is further submitted that cognizance under Section 3/4 of the

Emblems and Names (Prevention of Improper Use) Act, 1950 has been taken against the provision of Section 6 of the Act wherein it is provided that no prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the Central Government or of any officer authorized in this behalf by general or special order of the Central Government.

It is further submitted that the cognizance has been taken without any sanction against the applicant. It is further submitted that impugned F.I.R. has been lodged for the offence punishable under Section 4 of the Act without following procedure of sub-section 2 of Section 4 of the Act i.e. without referring the question to the Central Government. It is further submitted that there is no other pre-summoning evidence with regard to offence, as alleged, against the applicant.

Prima facie, matter requires consideration.

Learned A.G.A. has accepted notice on behalf of opposite party No. 1.

Issue notice to opposite party no.2 returnable at an early date.

Learned A.G.A. as well as opposite party no. 2 may file their counter affidavits within three weeks. Rejoinder affidavit may be filed within one week thereafter.

List after eight weeks.

Until further orders of this Court, further proceedings of the aforesaid case shall remain stayed against the applicant.

April 7, 2026
T. Sinha

(Sanjay Kumar Pachori,J.)