

Court No. - 74

Case :- APPLICATION U/S 528 BNSS No. - 14438 of 2025

Applicant :- Elvish Yadav @ Siddharth

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Naman Agarwal, Nipun Singh

Counsel for Opposite Party :- G.A., Srijan Pandey

Hon'ble Saurabh Srivastava, J.

1. Heard Naveen Sinha, learned Senior Counsel assisted by Sri Nipun Singh and Sri Naman Agarwal, learned counsel for applicant, Sri Manish Goyal, learned Additional Advocate General assisted by Sri Pankaj Saxena, learned A.G.A.-I for State and Sri Srijan Pandey, learned counsel for informant/opposite party no.2.

2. The instant application under section 528 BNSS has been preferred to quash the charge-sheet dated 05.04.2024, cognizance/summoning order dated 08.04.2024 passed by learned First Additional Chief Judicial Magistrate, Gautam Buddha Nagar as well as the entire proceedings of Case No.461 of 2023 (State vs. Vinay Yadav & Others) arising out of Case Crime No.461 of 2023, under sections 9, 39, 48A, 49, 50 & 51 of Wildlife Protection Act, 1972 and sections 284, 289, 120B I.P.C. and sections 8, 22, 29, 30 & 32 of NDPS Act, P.S. Sector-49 Noida, District- Gautam Buddha Nagar, pending before learned court of Chief Judicial Magistrate, Gautam Buddha Nagar.

3. Learned Senior Counsel appearing for the applicant submitted that the proceeding initiated against the applicant is illegal and against the material available on record; the material of investigation does not disclose commission of any alleged offences against the applicant and as such the proceedings initiated against the applicant including the impugned charge-sheet and cognizance/summoning order are liable to be quashed by this Court.

4. Sri Naveen Singh, learned Senior Counsel also submitted that the present prosecution ought to be quashed on the following prime grounds :-

(i) While challenging the entire proceedings, learned Senior Counsel appearing on behalf of applicant also submitted that the

F.I.R. in the instant matter was initially lodged under the provisions of Wild Life Protection Act, 1972, which under its section 55 mandates the requirement of an authorized person to lodge a complaint for any offence under the Act, whereupon court can take cognizance for offence under the Act only when the complaint has been made by any of the designated individuals mentioned therein, whereas the F.I.R. dated 03.11.2013 had been lodged by opposite party no.2 as an Animal Welfare Officer, who in accordance with the aforesaid section 55 is not authorized to make complaint and as such the order through which cognizance of offence has been taken up by learned court concerned is also bad in the eye of law.

(ii) Certain personal information was also brought to the notice of this Court by learned Senior Counsel that the applicant is an influencer and appears in multiple reality shows on television and inevitably the applicant's involvement in the instant F.I.R. garnered much media attention. Consequently, influenced by the aforesaid attention, the police officials also attempted to further sensitize the matter by invoking sections 27 & 27A of N.D.P.S. Act immediately after arresting the applicant. The present prosecution is being assaulted on the ground that the allegation levelled against the applicant are vague, frivolous and mendacious since there is hardly any evidence on record to sustain the fact that opposite party no.2 based on a confidential information had called upon the applicant, who had then pass on the information of other co-accused individual named Rahul to opposite party no.2. It is also brought on record that owing to the fact that applicant is a popular social media influencer and enjoys a considerable level of stardom, various directors/producers signed applicant for their projects in a bid to appeal to his fan base, in such a similar vein the applicant was approached in month of June, 2023 to shoot for a song involving the use of snakes, which are to be seen in the alleged video of applicant. The said snakes were completely harmless and non-poisonous and the pets of producers of the song. Moreover, no animal or person was hurt in any manner during the shoot of said video and as such there is hardly any attraction of 19, 24, 27A of N.D.P.S. Act.

5. Per contra, learned Additional Advocate General for State as well as learned counsel for opposite party no.2 vehemently opposed the prayer as made in the application and rebutted the stand taken up by learned counsel for applicant by way of submitting that the averments whatsoever has been raised by learned counsel for applicant is subject matter of trial and as such

prima-facie offence has been made out against the applicant.

6. After hearing rival submissions extended by learned counsel for the parties and by bare perusal of record, broadly much emphasis has been made by learned Senior Counsel over the veracity of F.I.R. through which applicant has been implicated in pursuance to sections 120B I.P.C. and sections 9, 39, 48A, 49, 50 & 51 of Wildlife Protection Act, 1972 and after conduction of detail investigation concerned investigating officer preferred charge-sheet against the applicant, whereupon cognizance of offence has been taken up by learned court of Additional Chief Judicial Magistrate-I, Gautam Buddh Nagar in Case Crime No.461 of 2023 by way of summoning the applicant in pursuance to sections 9, 39, 48A, 49, 50 & 51 of Wildlife Protection Act, 1972 and sections 284, 289, 120B I.P.C. and sections 8, 22, 29, 30 & 32 of NDPS Act, meaning thereby the allegation which has been put forward through the F.I.R. was much lesser than the gravity which has been surfaced after conduction of detail investigation, which resulted into implication of applicant in pursuance to sections 8, 22, 29, 30 & 32 of NDPS Act also. The allegations which has been contradicted by learned counsel for applicant on the basis of some relevant facts are amenable to be examined by learned trial court during the course of trial only.

7. The popularity or position of the accused cannot be basis of extension of protection and as per law of this land each and every person irrespective of his popularity or personality are equal in the eye of law and as such submission made by learned Senior Counsel appearing on behalf of applicant assisted by Sri Nipun Singh and Sri Naman Agarwal, learned counsel, cannot be accepted and the prayer made in the instant application is liable to be rejected.

8. In view thereof, the instant application under section 528 BNSS lacks merit and is hereby **dismissed**.

Order Date :- 12.5.2025

Saif