



2026:AHC:126366

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 65 of 2025

Golu Verma

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Gopal Krishna Pandey
Counsel for Respondent(s)	:	G.A.

Court No. - 7

HON'BLE JAI PRAKASH TIWARI, J.

Heard Sri Gopal Krishna Pandey, learned counsel for the appellant and Sri Mithilesh Kumar, learned AGA for the State and perused the entire material available on record.

This criminal appeal under Section 14-A(1) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) 1989 (Amendment Act, 2015) has been preferred by the appellant with a prayer to allow this appeal and set aside the impugned charge sheet dated 22.08.2021, and cognizance/summoning order dated 16.09.2021 passed by the learned Special Judge (SC/ST Act), Mau, as well as entire proceedings of Sessions Trial No. 323 of 2024 (State vs. Golu Verma), arising out of Case Crime No. 241 of 2021, under Sections 376, 384, 504, 506 IPC and Section 3(2)(V) of the S.C./S.T. Act, Police Station Kotwali, District Mau.

Learned counsel for the appellant submits that the present FIR has been lodged with mala fide intention and as a counterblast to the complaint made by the appellant's mother before the Superintendent of Police, Mau on 15.04.2021 regarding recovery of Rs. 50,000/- allegedly borrowed by the informant. It is contended that only after the said complaint was taken up by the police, the informant lodged the present FIR on 15.06.2021 falsely implicating the appellant and his family members. It is further submitted that the allegations in the FIR pertain to the incident allegedly occurred over a period of about four years. According to the appellant, this unexplained delay renders the prosecution story doubtful. Learned

counsel argued that the allegation that the appellant had prepared an objectionable video of the informant is wholly false, as no such video, photograph, or electronic evidence was recovered during investigation. Therefore, the ingredients of the offence under Section 384 IPC are also not attracted. It is next submitted that the medical examination of the informant was conducted nearly two months after registration of the FIR and the prosecution has relied upon an ultrasound report issued by a private hospital, which creates doubt regarding the prosecution case. It is also contended that the Investigating Officer failed to conduct a fair and proper investigation and submitted the charge-sheet without examining the defence version. Learned counsel further submits that the appellant has consistently denied all allegations, has no criminal history, and is presently on bail. It is also submitted that the informant was a major woman at the relevant time and the allegations of repeated sexual relations over several years without any complaint are inherently improbable. On the basis of the aforesaid submissions, learned counsel contends that the prosecution is false and an abuse of the process of law, and therefore the criminal proceedings deserve to be quashed.

Per contra, learned A.G.A. opposed the same and submitted that the impugned order suffers from no illegality warranting interference. It is submitted that the FIR, statements under Sections 161 and 164 Cr.P.C., medical evidence, and other material collected during investigation disclose a prima facie case against the appellant. The allegations of the victim are specific. The defence plea raised by the appellant, including false implication, consent, delay in lodging FIR, and non-recovery of alleged video clip, are disputed questions of fact requiring evidence and cannot be examined at this stage. It is further submitted that the Investigating Officer, upon due investigation, found sufficient material and submitted the charge-sheet. The plea regarding the victim being a major and consenting party is a matter of defence to be adjudicated during trial. Hence, a prima facie case is made out. The appeal is liable to be dismissed.

Having heard learned counsel for the appellant, learned A.G.A. for the State, and upon perusal of the record, this Court finds that the victim was admittedly major at the time of the alleged incident, but there are specific

allegation against the present applicant. The FIR as well as the statements of the victim recorded under Sections 161 and 164 Cr.P.C. contain specific allegations against the present appellant regarding the commission of the offences in question. The contention of the appellant that the victim was a consenting party and that the prosecution has been instituted with mala fide intention pertains to disputed questions of fact, which cannot be adjudicated in proceedings of the present nature. Mere assertion of consent by the appellant is not, by itself, a ground to quash the criminal proceedings, particularly when the victim has levelled specific allegations against him. The record further reveals that, after due investigation, the Investigating Officer (C.O.) submitted charge-sheet against the appellant on the basis of material collected during investigation.

In view of the allegations contained in the FIR, the statements of the victim, and the material collected during investigation, a prima facie case is disclosed against the appellant. No case for interference or quashing of the proceedings is made out.

Accordingly, the appeal lacks merit and is, therefore, **dismissed**.

(Jai Prakash Tiwari,J.)

June 9, 2026

Brijesh