



2026:AHC:53961

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 1490 of 2026

Narendra And Another

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Rahul Sahai, Saumitra Anand
Counsel for Respondent(s)	:	G.A.

Court No. - 51

HON'BLE ANIL KUMAR-X, J.

1. Heard learned counsel for the appellants and Shri Jitendra Kumar, learned AGA-I for the State.
2. As per office report, notice on the respondent/informant has been served, but none has appeared on behalf of the said respondent to oppose the appeal.
3. This criminal appeal under Section 14-A(1) of The Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been preferred by the appellants with a prayer to allow the appeal and set aside the impugned summoning order dated 3.12.2025 passed by the Special Judge SC/ST Act, Mathura in Special Complaint Case No. 46/2020 (Smt. Anita Vs. Narendra and others) under sections 294, 323, 504, 506 I.P.C. read with section 3(1) (X) SC/ST Act, Police Station Goverdhan, District Mathura.
4. Learned counsel for the appellants has submitted that an FIR in Case Crime No.532 of 2018 under Sections 147, 148, 149, 307, 452, 386, 323, 504, 427, 506 IPC was lodged by the appellant no.2 against the family members of the respondent/informant on 23.9.2018. The alleged day of occurrence in the said FIR was 19.9.2018. Matter was investigated and charge-sheet against the accused persons were also submitted upon which the learned trial court took cognizance. As a counter blast, the respondent/informant also lodged first information report against the present appellants in Case Crime No.536 of 2018 under Sections 147,

148, 294, 323, 504, 506 IPC and Section 3(1)(x) of SC/ST Act, Police Station-Govardhan, District Mathura by claiming an incident against her on the same day, i.e., 19.9.2018. However, she has changed the place of occurrence in her FIR. The first information report lodged by the respondent was duly investigated by the Investigating Officer and he found all the allegations false. Consequently, he submitted a closure report. Said closure report was challenged by the respondent/informant by means of filing a protest petition. Said protest petition was allowed by the learned trial court and it was converted into a complaint case. Statement of respondent/complainant and her witnesses were recorded by the learned trial court. However, the learned trial court failed to consider that no fresh materials surfaced during the inquiry proceeding, yet the learned trial court summoned the appellants for facing trial. The impugned order passed by the learned trial court by exercising its jurisdiction under Section 204 Cr.P.C. is patently illegal and is liable to be set aside. Even the court has not noticed that no independent witnesses were produced by the complainant during the inquiry proceeding. The entire criminal proceedings were, prima facie, launched against the appellants only as a step to create a defence against the FIR lodged against the respondent/informant. The present criminal proceedings are launched with a malafide intention and are liable to be quashed.

5. Learned AGA and the learned counsel for the informant have submitted that proceeding initiated after conversion of protest petition into a complaint as an independent proceeding and it has no concern with the material collected during investigation. Once the court has disagreed with the police report submitted by the Investigating Officer, then there is no duty on part of the court to peruse the material collected during investigation. The statement of respondent/complainant and her witnesses were properly considered by the concerned trial court before passing the impugned order under Section 204 Cr.P.C. Hence, the impugned summoning order does not warrant any interference.

6. I have considered the submissions advanced by learned counsel for the parties and perused the entire record including the impugned order.

7. It is apparent from perusal of the records that both parties have initiated

criminal proceedings against each other. However, the first information report lodged by the appellant subsequently culminated into filing of charge-sheet. On the other hand, final report was submitted in the FIR lodged by the respondent/informant against the appellant. Said final report was discarded by the trial court and it converted it into a complaint case after filing of protest petition by the respondent/informant. Statement of informant/complainant and her three witnesses were recorded during the proceeding. All the witnesses have supported the version of complainant. The learned trial court has thoroughly discussed those statements recorded during the proceeding and thereafter it has concluded to proceed against the appellants. In no circumstances, it can be held that the learned trial court has committed any error in proceeding against the appellants after finding sufficient grounds against them. Hence, this Court does not find any justification to interfere in the impugned order.

8. This criminal appeal is, accordingly, **dismissed**.

(Anil Kumar-X,J.)

March 17, 2026
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