



2026:AHC:56549

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 1721 of 2026

Malti

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Hanuman Prasad Mishra
Counsel for Respondent(s)	:	G.A., Mayank Maurya

Court No. - 51

HON'BLE ANIL KUMAR-X, J.

1. Heard learned counsel for the appellant, Shri Mayank Maurya, learned counsel for the respondent no.2 and Shri R.K. Singh, learned AGA for the State.

2. 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 appellant with a prayer to allow the appeal and to call for records of Misc. Application No. 183 of 2025 (Malti Vs. Shyam Sundar Yadav), Police Station Tharwai, District Prayagraj as well as set aside the impugned order dated 26.11.2025 passed by the Special Judge (S.C./S.T. Act), Prayagraj in Misc. Application No. 183 of 2025 (Malti Vs., Shyam Sundar Yadav), under Section 173(4) of B.N.S.S., Police Station Tharwai, District Prayagraj and further direct the police authority to register the case and to investigate the matter.

3. Briefly stated, an application under Section 173(4) BNSS filed by the appellant was dismissed by the learned trial court by assigning reasons as well as by considering an inquiry report submitted by the concerned Police Station. Appellant alleged in her application that she was in consensual relationship with the respondent no.2, who, on pretext of marriage, established physical relation with her. Later on, her marriage was solemnized as per wishes of her parents with one Kapil s/o Akrit Lal r/o Habibpur, Malawa Khurd, P.S. Sarayinayat, District Prayagraj. She has further alleged that the respondent, after solemnization of her marriage with Kapil, started blackmailing her and also send her obscene

photos and videos to her husband. When her husband became aware of her relation with the respondent, he threw her out from her matrimonial home. However, the respondent continued to blackmail her and again established physical relation with her.

4. Learned counsel for the appellant has submitted that allegations mentioned in the application under Section 173(4) BNSS filed by the appellant, were not properly considered by the learned trial court. Appellant was blackmailed by the respondent before the marriage as well as after solemnization of her marriage with Kapil. Her obscene photos and videos are in her possession. The factum of their transmission through mobile phone of respondent is a matter of investigation. The said fact could not have been authenticated unless an order of registration of FIR was directed by the learned trial court. However, the learned trial court has failed to exercise its jurisdiction by dismissing her application under Section 173(4) BNSS. Hence, this criminal appeal is liable to be allowed by setting aside the impugned order and directing the learned trial court to pass a fresh order for registration of first information report against the respondent.

5. Learned AGA and the learned counsel for the respondent no.2 have submitted that allegations in the application filed by the appellant under Section 173(4) BNSS are vague. Appellant has not disclosed any evidences to substantiate that any obscene photos and videos were ever sent by the respondent to her husband. Even the learned trial court has also observed that appellant has not tender any cogent evidence regarding sending of such photos and videos. Criminal prosecution on vague allegations cannot be initiated. Allegations in the application are false, fabricated and based on surmises and conjectures of appellant. Hence, the impugned order does not suffer from any infirmity.

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

7. The appellant herself has stated in her application under Section 173(4) BNSS that even after solemnization of her marriage with one Kapil, she was again blackmailed by the respondent, who also established physical

relation with her. An inquiry report from the concerned Police Station was called for by the learned trial court. Said police report reflects that appellant even after her solemnization of marriage with Kapil still wants to cohabited with respondent. The inquiry report also mentions that no such audio or video was provided to authorities by the appellant. The report submitted by the police authorities as well as the reasons assigned by the learned trial court while dismissing the application under Section 173(4) BNSS of the appellant do not require any interference.

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

(Anil Kumar-X,J.)

March 19, 2026
SK