



2026:AHC:56834

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 1739 of 2026

Jagat Singh Chouhan And 3 Others

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Rishu Bhartiya, Shashank Kumar
Counsel for Respondent(s)	:	G.A.

Court No. - 51

HON'BLE ANIL KUMAR-X, J.

1. Heard learned counsel for the appellants and Shri Acharya Rajesh Tripathi, learned AGA 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 cognizance/summoning order dated 12.07.2024 issued by the Special Judge (SC/ST Act), Agra on Charge-sheet dated 10.10.2023 bearing Charge-sheet No. 306 of 2023 registered as Session Case (Session Trial) No. 1303 of 2024 (State Vs. Jagat Singh Chouhan and others) arising out of Case Crime No. 242 of 2023 Under Sections 342, 354a, 506 of I.P.C. and Section 3(2)va of the S.C./S.T. Act, Police Station Malpura, District Agra as well as to quash its entire criminal proceedings.
4. Learned counsel for the appellants submitted that the appellants have been falsely implicated by the respondent/informant after appellant no.1 lodged a complaint against the informant for stealing his money amounting to Rs.25,000/- from his bag. Said complaint was lodged by appellant no.1 before the concerned Police Station on 30.3.2023. When respondent came to know about the said complaint against her, she, as a counterblast, has lodged this FIR against the appellants alleging that they

threatened her to falsely implicate in a case of theft. She also made allegation of molestation against appellant no.1 aged about 74 years. Appellant no.1 is a retired Army personnel and respondent/informant worked as a maid at his house for past ten years. She was extended all types of financial and monetary support by the appellants and no such dispute existed between them. It was only after she stole money that a complaint was lodged. Respondent reacted and has lodged this FIR as a retaliation. It was further submitted that the learned trial court has not applied its mind at the time of taking cognizance against the appellants. The charge-sheet clearly indicates that apart from appellant no.1, charge-sheet against the remaining appellants has been submitted only for offence under Section 506 IPC and Section 3(2)(va) of SC/ST Act. However, the learned trial court has taken cognizance against all the appellants for offences under Sections 342, 354a, 506 of I.P.C. and Section 3(2)va of the S.C./S.T. Act. Hence, the order taking cognizance against the present appellants is bad in eyes of law and is liable to be set aside.

5. Learned AGA that informant has supported the prosecution version during investigation. The claim raised by the appellants that they were falsely implicated after appellant no.1 lodged a complaint of theft against the respondent/informant is a disputed fact and the same can be decided during the course of trial. Hence, the impugned order of taking cognizance 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 case diary.

7. Lodging of first information report four months after submission of complaint by the appellant no.1 against the respondent/informant for theft is a matter of fact. These contentious and disputed facts cannot be decided at the time of taking cognizance unless the said fact had appeared during the investigation. There is nothing in the case diary to show that the application filed by the appellants against the respondent was considered by the Investigating Officer during investigation. So far as the fact of taking cognizance against all the appellants for the present offences is concerned, the same can be rectified at the time of framing charges, if

charges have still not framed. Hence, this Court does not find any infirmity or illegality in the impugned order.

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

(Anil Kumar-X,J.)

March 19, 2026
SK