



2026:AHC:60897

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 9151 of 2026

Devendra Singh And Another

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Raj Kumar Dhama
Counsel for Opposite Party(s)	:	G.A.

Court No. - 74

HON'BLE DEEPAK VERMA, J.

1. Supplementary affidavit filed today on behalf of the applicants is taken on record.
2. Heard learned counsel for the applicants and learned AGA for the State.
3. The present 528 B.N.S.S. application has been filed to quash the impugned summoning order dated 07.02.2023 passed by the learned Additional Chief Judicial Magistrate, Court No.18, Allahabad in Complaint Case No.549 of 2022 (Neha Nishad vs. Devendra Singh), under Sections 498A, 323 I.P.C. & 3/4 Dowry Prohibition Act, P.S.Daraganj, District Prayagraj, pending in the court of Additional Chief Judicial Magistrate, Court No.18, Allahabad.
4. Learned counsel for the applicants submits that instant complaint has filed with malice intention only to harass the applicants. Applicant no.1 marriage was solemnized with opposite party no.2 in the year 2017. Applicant no.2 is mother-in-law of opposite party no.2. Marriage was solemnized without dowry. It is alleged in the complaint that applicants constantly demanded money/dowry from the opposite party no.2. When demand of dowry was not fulfilled, then applicants physically and mentally tortured opposite party no.2, then present complaint lodged by opposite party no.2 against the applicants and other family members. It is argued that opposite party no.2 had relationship with other person before the marriage and this fact was concealed. Present complaint has lodged only to pressurize and terrorize the applicants. Learned magistrate after

recording statement under sections 200 & 202 Cr.P.C. summoned the applicants by order dated 07.02.2023. Learned counsel for the applicants next submits that cognizance and summoning by learned magistrate is without application of judicial mind and liable to be set aside. Allegation alleged in the complaint is frivolous and false. Learned magistrate in arbitrary manner summoned the applicants in the present case. Learned counsel for the applicants also submitted that the applicants reside in Haryana and applicant no.2 is very old lady and not in a position to come.

5. Per contra, learned A.G.A. opposed the submission raised by learned counsel for the applicants and submitted that on perusal of contents of complaint, prima-facie offence is made out against the applicants.

6. The grounds taken in the application reveal that many of them relate to disputed question of fact. This Court is of the view that it is well settled that the appreciation of evidence is a function of the trial court. This Court in exercise of power under Section 482 Cr.P.C. cannot assume such jurisdiction and put an end to the process of trial provided under the law. It is also settled by the Apex Court in catena of judgments that The impugned criminal proceeding against the applicants is abuse of the process of the Court and is liable to be quashed by this Court. the power under Section 482 Cr.P.C. at pre-trial stage should not be used in a routine manner but it has to be used sparingly, only in such an appropriate cases, where it manifestly appears that there is a legal bar against the institution or continuance of the criminal proceedings or where allegations made in First Information Report or charge-sheet and the materials relied in support of same, on taking their face value and accepting in their entirety do not disclose the commission of any offence against the accused. The disputed questions of facts and defence of the accused cannot be taken into consideration at this pre-trial stage.

7. In view of the above, in the light of judgment of the Apex Court in the matters of **R.P. Kapur Vs. State of Punjab, A.I.R. 1960 S.C. 866, Manik B. Vs. Kadapala Sreyes Reddy and another, 2023 Live Law (SC) 642, State of Haryana Vs. Bhajan Lal, 1992 SCC (Cr.) 426, State of Bihar Vs. P.P.Sharma, 1992 SCC (Cr.) 192 and lastly Zandu Pharmaceutical Works Ltd. Vs. Mohd. Saraful Haq and another (Para-10) 2005 SCC (Cr.) 283**, no ground for quashing the proceedings of the aforesaid case, is made out which may call for any interference by this Court in exercise of its inherent power under Section 528 B.N.S.S as the same do not suffer from any illegality or infirmity.

8. Considered the argument raised by learned counsel for the applicants

and perused the record. Submission raised by learned counsel for the applicants are disputed question of facts, which cannot be examined at this stage. Moreover, contents of complaints as well as statement recorded under sections 200 & 202 Cr.P.C., prima-facie offence is made out against the applicants. Complaint has lodged against various persons. Learned magistrate found nothing against other person and they have not been summoned.

9. No interference is warranted by this Court. The present application is, accordingly, **dismissed**.

March 24, 2026
SKD

(Deepak Verma,J.)