



2026:AHC:58319

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 1858 of 2026

Chanda Devi And 2 Others

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Virendra Singh
Counsel for Respondent(s)	:	G.A., Vinod Kumar Pandey

Court No. - 51

HON'BLE ANIL KUMAR-X, J.

1. Heard learned counsel for the appellants, Shri Vinod Kumar Pandey, learned counsel for the respondent no.2 and Shri K.K. Gupta, 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 appellants with a prayer to allow the appeal and set aside the impugned Charge Sheet dated 27.06.2019 as well as cognizance/summoning order dated 12.05.2023 in Special Session Trial no.290/2023 (State versus Chanda Devi and others) arising out of Case Crime No.53 of 2019 Under Section 452, 354, 323, 504, 506 IPC and Section 3(2)(v) of SC/ST Act at Police Station Khiri, District Prayagraj.

3. Learned counsel for the appellants has submitted that the appellants have been falsely implicated by informant owing to the fact that an FIR regarding the same incident was also lodged against the informant by appellant no.1-Chanda Devi. In order to create a false defence, the present FIR against the appellants has been lodged by informant with ulterior motive. Learned counsel submitted that allegations in the first informant report are false, fictitious and frivolous. It has been alleged that one of the accused/appellant Chanda Devi also snatched the anklet (*payal*) of informant. However, the said allegation was found false during the investigation and consequently the charge under Section 392 IPC was also dropped. There is no mention of using casteist slurs. Therefore, the impugned order vide which the appellants have been summoned to face

trial even for offences under the SC/ST Act is illegal and is liable to be set aside.

4. Learned AGA and the learned counsel for the respondent/informant submitted that the first information report by the informant was lodged promptly. Alleged occurrence had taken place on 20.2.2019. Written complaint on behalf of the informant was submitted before the concerned Police Station on the same day, which is evident from the first information report. However, the first information report was lodged on 3.3.2019. There was no delay on part of informant to take legal recourse. Learned counsel submitted that counter FIR lodged by appellant no.1 against the informant substantiated that the same was lodged as a counterblast. The occurrence of incident finds full corroboration from the statement of informant and other witnesses. Hence, there is no good ground to interfere in the impugned order.

5. I have considered the submissions advanced by learned counsel for the parties and perused the entire record.

6. Cross FIRs regarding the similar incident itself indicate that certain quarrel did take place between the parties on the alleged day. The counter claims made by both parties can only be decided during the course of trial. Hence, this Court does not find it expedient to enter into the merit of the case. However, it is evident that the learned trial court has taken cognizance against the appellants for offences under Section 452, 354, 323, 504, 506 IPC and Section 3(2)(v) of SC/ST Act. Taking cognizance under Section 3(2)(v) of SC/ST Act is improper. Said Section is only attracted in cases where offences are punishable for more than ten years of imprisonment. However, none of the offences against the appellants are punishable more than ten years. So, the impugned order is liable to be set aside to that extent.

7. In view of the aforesaid, the Charge Sheet dated 27.06.2019 and cognizance/summoning order dated 12.05.2023 as well as proceeding in Special Session Trial no.290/2023 (State versus Chanda Devi and others) arising out of Case Crime No.53 of 2019, insofar as they relate to the appellants for offences under Section 3(2)(v) of the SC/ST Act, are

hereby quashed. However, the proceedings in respect of the remaining offences under IPC shall continue in accordance with law.

8. This criminal appeal is, accordingly, **partly allowed** to the extent indicated above.

(Anil Kumar-X,J.)

March 20, 2026
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