



2026:AHC:67994

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 859 of 2026

Badri Prashad Dubey And 4 Others

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

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

Court No. - 53

HON'BLE ABDUL SHAHID, J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and learned counsel for opposite party No.2.

2. The instant criminal appeal has been filed to quash the summoning order dated 10.1.2025 passed by the Special Judge, S.C./S.T. Act, Prayagraj as well as the entire proceeding in Special Session Trial No. 8/2025, arising out of case crime No. 463/2022, under Sections 147, 323, 504, 506 I.P.C. and Section 3(1)(da) and 3(1)(dha) of S.C./S.T. Act, P.S Meja, District Prayagraj.

3. Learned counsel for the appellants has submitted that applicant No.1 is 68 years old and appellant No.2 is 80 years old. The person, named in the F.I.R., Sushil Dubey has been exonerated. It is further submitted that the F.I.R. has been filed with a delay of eight days and there is contradiction between the complaint and the statement, recorded u/s 161 Cr.P.C. The F.I.R. has been lodged on false and fabricated ground as a civil dispute is pending between the parties. No injury report is attached. No caste related words were used as alleged in the F.I.R. The alleged incident is stated to be happened on 4.8.2022 and the F.I.R. has been registered on 12.8.2022 against (i) Badri Prasad Dubey, (ii) Munni Dubey, (iii) Ramlochan Dubey, (iv) Sushil, (v) Guddu Dubey and (vi) Pintu Dubey.

4. It is stated by learned counsel for opposite party No.2 that on 4.7.2022 around 7:00 A.M. in the morning, all the named persons in the F.I.R. came along with *lathi-danda* at the door of the complainant and started

hurling abuses to her. When they were restrained by the complainant not to abuse her, then they started beating her with legs and fists. Thereafter, when the complainant entered her house to save her life, then all the accused persons also entered her house and beat her with legs and fists. Thereafter, they brought her outside her house and addressed her with casteist remark as "*chamain* you should be within your limits and you should not become a leader, otherwise we will throw you after cutting and even your dead body will not be recovered". It is further submitted that after detailed investigation, a charge sheet has been filed against Badri Prasad Dubey, Munni Dubey, Ramlochan @ Harikant, Guddu Dubey @ Shashikant Dubey and Pintu Dubey @ Vinod Kumar.

5. Learned A.G.A. for the State has filed his counter affidavit, mentioning the criminal records of accused-appellant Guddu Dubey in case crime No. 463/2022; Ramlochan Dubey @ Harikant in case crime Nos. 141/2025, 463/2022 and 50/2018; Badri Prasad Dubey in case crime Nos. 141/2025 and 463/2022; Munnal Dubey in case crime Nos. 141/2025 and 463/2022 and Pintu Dubey @ Vinod Kumar in case crime Nos. 79/2018, 463/2022 and 141/2025. Learned A.G.A. has submitted that the offence has been committed by the appellants and the impugned order dated 10.1.2025 is as per law and entitled to be upheld.

6. The Counter affidavit, filed by opposite party No.2, has vehemently denied the contents of the affidavit, filed by the appellants and stated that the offence has been committed by the appellants.

7. The appellants have filed their rejoinder affidavit, stating that no offence has been committed by them.

8. There are specific allegations against all the appellants in the F.I.R and after a detailed investigation, the charge sheet was filed against the appellants, whereupon the cognizance has been taken by the learned Trial Court.

9. The contention of the learned counsel for the appellants that there are contradictions in the complaint and statement, recorded under Section 161 Cr.P.C., could not be appreciated at the initial stage of issuing summons. *Prima facie* the case is made out against the appellants. Any final finding

could be given by the learned Trial Court after appreciation of evidence submitted by the parties.

10. In view of the above, there is neither any illegality nor any irregularity in the impugned order dated 10.1.2025 and the criminal appeal is liable to be dismissed.

11. Accordingly, the appeal is **dismissed**.

(Abdul Shahid,J.)

March 30, 2026

Vandana