



2026:AHC-LKO:20816

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

APPLICATION U/S 482 No. - 302 of 2023

Kaptan Yadav @ Ravikant Yadav And Others

.....Applicant(s)

Versus

State Of U.P. Thru. Home Secy., Lko. And
Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Gaurav Verma, Chandra Shekhar Sinha
Counsel for Opposite Party(s) : G.A., Bare Lal Bhartiya

Court No. - 15

HON'BLE BRIJ RAJ SINGH, J.

1. Case called out in the revised list. No one is present on behalf of opposite party no.2.
2. Heard learned counsel for the applicants, learned AGA for the State and perused the record.
3. This application has been filed seeking quashing of the entire proceedings of Criminal Complaint Case no.2173 of 2019 (Pavan Kumar vs. Saumyata Yadav and others) under Sections 452, 506(1), 504 IPC, Police Station Mill Area, Raebareli, pending in the court of 9th Additional Civil Judge (Junior Division), Raebareli as well as summoning order dated 13.12.2019, summoning the applicants under Sections 452, 506(1), 504 IPC and all consequential arising thereon.
4. It has been submitted by learned counsel for the applicants that the marriage of daughter of applicant no.3, namely, Smt. Saumyata Yadav with opposite party no.2-Pawan Kumar was solemnized on 11.3.2018 at Lucknow. The other applicants are uncle and brother of Smt. Saumyata Yadav and have been falsely implicated by the opposite party no.2 in the above-noted case being close relatives. After marriage, Smt. Saumyata Yadav was posted at Primary School Koilara, Mubarakpur Block Jagdishpur, District Amethi and her husband, the opposite party no.2 was posted at Punjab National Bank, Branch Kathaura Jagdishpur, Amethi. Both

of them were residing in a rented accommodation at Industrial Area Jagdishpur P.S. Kamrauli, District Amethi (UP). The in-laws of Smt. Saumyata Yadav were residing at M-1-128 Jawahar Vihar Colony, Malikmau P.S. Mill Area, District Raebareli.

5. It has been further submitted by learned counsel for the applicants that when Smt. Saumyata Yadav reached her matrimonial house after marriage, she came to know that her husband was addicted to alcohol and he used to misbehave and beat her off and on. Her husband, father-in-law, mother-in-laws, sister-in-laws viz. Anita, Sunita, elder brother-in-law Indrajeet and his wife Smt. Mamta used to humiliate and insult Smt. Saumyata Yadav for not bringing good dowry and subjected her to mental and physical torture demanding better and additional dowry. On 15.12.2018, Smt. Saumyata Yadav came back from school and in the evening, opposite party no.2- Pawan Kumar came in an inebriated condition demanded an amount of Rs.10 lacs towards dowry and with an intention to kill, beat her badly by which she sustained injuries including head injuries. Somehow Smt. Saumyata Yadav contacted her elder brother i.e. applicant no.1 on his mobile phone at about 22:30 hrs and told him about her husband who beat her and tried to kill her in pursuance of demand of Rs.10 lac and the injuries sustained by her. It has been submitted that applicant no.1-Kaptan Yadav, the brother of Smt. Saumyata on hearing the atrocities committed on her immediately proceeded with his uncle Phool Chand Yadav to the rented house at Amethi and reached there at 00:30 hrs on 16.12.2018. Looking at the pathetic condition and profusely bleeding Smt. Saumyata Yadav, the applicant no.1 immediately took her with him to Indo Gulf Jan Seva Trust Hospital at Industrial Area Jagdishpur for medical treatment. The doctor on night duty nursed the head injury and after medically examining her gave proper medical treatment at 1:00 AM on 16.12.2018. She had received injury and the injury report has been brought on record as Annexure-1 to the application.

6. Learned counsel for the applicants further submits that since it was already mid night and the husband of Smt. Saumyata Yadav was in an inebriated condition from whom there was threat to her life and she was also in a trauma, as such, after first aid the applicant no.1 brought her to his house at Krishna Nagar, Lucknow. Smt. Saumyata was being threatened by her

husband of dire consequences and due to his fear was unable to go on duty and stayed at her maika. It has been submitted that due to the said incident, Smt. Saumyata Yadav went into mental trauma whereas from the very next day the applicants contacted Pawan Kumar, the husband of Smt. Saumyata Yadav and other in-laws complaining about the incident and tried to settle the matter, but the husband and other in-laws were reluctant to settle the same as such, as soon as she recovered from the shock and mental trauma, she lodged an F.I.R. at P.S. Krishna Nagar Lucknow, which was registered at Case Crime No.31 of 2019 on 23.1.2019 under Sections 498-A, 323, 504, 506 I.P.C. read with Sections 3/4 of Dowry Prohibition Act.

7. It has been submitted by learned counsel for the applicants that charge sheet has been filed in the aforesaid case under Sections 498A, 323, 504, 506 IPC and Sections 3/4 of Dowry Prohibition Act and the accused are facing trial. On coming to know about the F.I.R. lodged by Smt. Saumyata Yadav, opposite party no.2 in order to create his defence and undue pressure on the applicants and Smt. Saumyata Yadav, on 14.4.2019 moved an application under Section 156(3) Cr.P.C. in the court at Raebareli on the basis of false and fabricated facts against: (i) Smt. Saumyata Yadav, (ii) Prem Shankar Yadav (father of Smt. Saumyata), (iii) Prem Lal Yadav (uncle of Smt. Saumyata), (iv) Chhote Chacha Yadav (uncle of Smt. Saumyata), (v) Kaptan Yadav (elder brother of Smt. Saumyata), (vi) Mintu Yadav (younger brother of Smt. Saumyata), (vii) Pawan Yadav (cousin of Smt. Saumyata). The said application under Section 156(3) Cr.P.C. was numbered as Misc. Case No.130 of 2019. The Magistrate in the absence of any cogent proof against the applicants vide order dated 4.6.2019 was pleased to treat the application under Section 156(3) Cr.P.C. as criminal complaint and registered the same as Criminal Complaint Case No.2173 of 2019 (Pawan Kumar vs. Smt. Saumyata Yadav and others) under Sections 452, 506(1), 504 IPC, P.S. Mill Area, District Raebareli.

8. It has been further submitted by learned counsel for the applicants that after recording the statements under Sections 200 and 202 Cr.P.C., summons have been issued against the applicants by means of impugned order dated 13.12.2019. Learned counsel has further submitted that to put pressure upon the applicants and their family members, the father-in-law of Smt. Saumyata Yadav lodged an FIR on 28.5.2019 at Case Crime No.272 of 2019 under

Section 307 IPC at Police Station Mill Area, District Raebareli. The matter was investigated and final report was filed in the aforesaid case.

9. It is the specific case of the applicants that to implicate the applicants in criminal cases, subsequent complaint was filed by opposite party no.2 just to settle his personal score. The sister of applicant no.1 has already lodged FIR with regard to dowry demand and harassment and out of retaliation, present proceedings have been initiated by opposite party no.2, who is husband of Smt. Saumyata Yadav.

10. After hearing learned counsel for the applicants and going through the record, it appears that the sister of applicant no.1 had lodged FIR at Case Crime No.31 of 2019 on 23.1.2019 under Sections 498-A, 323, 504, 506 I.P.C. read with Sections 3/4 of Dowry Prohibition Act at Police Station Krishna Nagar, District Lucknow, in which charge sheet has been filed and opposite party no.2 and other co-accused are facing trial.

11. It is also to be noted here that father-in-law of Smt. Saumyata Yadav, namely, Tej Bahadur Yadav had also lodged FIR, making false allegations under Section 307 IPC in which, final report has already been submitted.

12. It is apparent from the face of record that opposite party no.2 and his father want to settle their personal score, that is why they have instituted criminal proceedings against the applicants. The criminal complaint by opposite party no.2 has been instituted out of mala fide intention and the case of the applicants are covered by the judgment of the Supreme Court in ***State of Haryana vs. Bhajan Lal (1992) Supp 1 SCC 335***. The proceedings instituted by opposite party no.2 appear to be malicious.

13. Application is accordingly ***allowed*** and the entire and all consequential proceedings of Criminal Complaint Case no.2173 of 2019 (Pavan Kumar vs. Saumyata Yadav and others) under Sections 452, 506(1), 504 IPC, Police Station Mill Area, Raebareli, pending in the court of 9th Additional Civil Judge (Junior Division), Raebareli, are hereby quashed qua the applicants.

(Brij Raj Singh,J.)

March 23, 2026

Sachin