



2026:AHC:57122

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 10164 of 2026

Bharatveer Saroha @ Vikki And 3 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Anupama Tripathi, Rakesh Kumar
Tripathi

Counsel for Opposite Party(s) : Paritosh Sukla, Avesh Mishra, G.A.

Court No. - 73

HON'BLE DEEPAK VERMA, J.

1. Heard learned counsel for the applicants and learned A.G.A. for the State.

2. This application under Section 528 B.N.S.S. has been filed by the applicants to quash the summoning order dated 24.04.2025, passed by the court of learned Additional Special Judicial Magistrate, Court No. 01, Bijnor as well as entire proceedings of Complaint Case No. 516 of 2024, (Rakesh Kumar Vs. Bharatveer Saroha @ Vikki), under Section 498-A, 324, 504, 506 of I.P.C. & Section 3/4 of Dowry Prohibition Act, Police Station Nehtaur, District Bijnor, pending in the court of learned Additional Chief Judicial Magistrate-I, Bijnor.

3. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the present case. Opposite Party No. 2 is the father of the victim and the marriage of the victim was solemnized with Applicant No. 1 on 17.02.2023 in accordance with Hindu rites and rituals. It is alleged in the F.I.R. that thereafter the applicants continuously demanded additional dowry and upon non-fulfilment of the said demand, subjected the victim to physical and mental cruelty. It is further alleged that the victim was pregnant and, due to the alleged maltreatment and cruelty, she suffered bleeding and her pregnancy had to be terminated to save her life. Learned counsel for the applicants further submits that the F.I.R. has been lodged with malicious intention only to harass the applicants. The Investigating Officer, after

collecting evidence, submitted the final report. Against the said final report, a protest petition was filed by Opposite Party No. 2, which was allowed by the Magistrate after recording statements. It is contended that the statements of the victim, the complainant and other witnesses do not support the prosecution story, and the same is not corroborated by any medical evidence. It is thus submitted that the entire proceedings are liable to be set aside as the same amount to an abuse of the process of law.

4. *Per contra*, learned A.G.A. vehemently opposed the submissions made by learned counsel for the applicants and submitted that statements of witnesses and medical examination report, are supporting the prosecution version. It is not a case of false implication. Learned Magistrate has rightly summoned the applicant. He next submitted that arguments raised by learned counsel for the applicants are factual aspects of the matter, which cannot be considered at this stage.

5. The Apex Court in the case of **Mohd. Allauddin Khan Vs. State of Bihar and others** reported in (2019) 6 SCC 107 has held in para No.14 as follows:-

"14. In our view, the High Court had no jurisdiction to appreciate the evidence of the proceedings under Section 482 of the Code Of Criminal Procedure, 1973 (for short "Cr.P.C.") because whether there are contradictions or/and inconsistencies in the statements of the witnesses is essentially an issue relating to appreciation of evidence and the same can be gone into by the Judicial Magistrate during trial when the entire evidence is adduced by the parties. That stage is yet to come in this case."

6. The Apex Court in **Priti Saraf and another Vs. State of NCT of Delhi and Another** has held that:

"To exercise powers under Section 482, complaint in its entirety have to be examined on basis of allegation made in complaint/FIR/Charge sheet. High Court at that stage not under an obligation to go into matter or examine its correctness. Whatever appears on face of complaint/FIR/charge sheet to be taken into consideration without any critical examination of same. Offence ought to appear ex facie on

complaint/FIR/charge sheet and other documentary evidence, on record. It is thus settled that exercise of inherent power of High Court is an extraordinary power which has to be exercised with great care and circumspection before embarking to scrutinize complaint/FIR/charge sheet in deciding whether case is rarest of rare case, to scuttle prosecution at its inception. Whether the allegations in the complaint are otherwise correct or not, has to be decided on the basis of the evidence to be led during the course of trial. Simply because there is a remedy provided for breach of contract or arbitral proceedings initiated at the instance of the appellant, that does not by itself clothe the court to come to a conclusion that civil remedy is the only remedy, and the initiation of criminal proceedings, in any manner, will be an abuse of the process of the court for exercising inherent powers of the High Court under Section 482 Cr.P.C. for quashing such proceedings."

6. From the perusal of the material on record and looking into the facts of the case at this stage it cannot be said that no offence is made out against the applicants. All the submissions made at the bar relate to the disputed questions of fact, which cannot be adjudicated upon by this Court.

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 & Anr. 2023 LiveLaw (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 482 Cr.P.C. as the same do not suffer from any illegality or infirmity.

8. The present application under Section **528 B.N.S.S.** lacks merit and is, accordingly, **dismissed**.

(Deepak Verma,J.)

March 18, 2026

KJ