



2026:AHC:204707

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL APPEAL No. - 7043 of 2026

Mannu Verma And 3 Others

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	: Kaustubh Tewari, Sr. Advocate, Umesh Chandra Shukla
Counsel for Respondent(s)	: Arun Kumar Vishvakarma, G.A.

Court No. - 90

HON'BLE ABDUL SHAHID, J.

1. Heard Sri Amit Daga, learned Senior Advocate assisted by Sri Kaustubh Tewari and Sri Umesh Chandra Shukla for the appellants, learned AGA for the State as well as learned counsel for the opposite party no.2/complainant.

2. The instant criminal appeal has been preferred against the order dated 17.06.2026, passed by learned Special Judge (S.C./S.T. Act), Agra in Criminal Complaint Case No. 123 of 2023 (CNR No. UPAG 010108602023), 'Suman Vs. Ramu Verma & Others', under Sections 452, 354, 323, 504, 506 I.P.C. and Section 3(1)10 of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, Police Station-Shahganj, District-Agra, whereby the learned Trial Court was pleased to summon accused appellant Nos. 1 & 2 for the offence punishable under Sections 452, 354, 323, 504, 506 I.P.C. and Section 3(1)10 of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act, 1989 and accused appellant Nos. 3 & 4, for the offence punishable under Sections 452, 323, 504, 506 I.P.C. and Section 3(1)10 of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, exercising powers under Section 204 Cr. P.C.

3. Learned Senior Counsel for the appellant has submitted that the accused/appellants and complainant are the native of same locality and

their houses are located opposite to each other. The husband of complainant namely Ajay alias Bhikari Valmiki is a hardened criminal. He was sent to jail on 13.05.2008 in a murder case, registered vide Case Crime No.124 of 2008 at Police Station-Shahganj, District Agra. In the said criminal case, he was convicted and sentenced to life imprisonment vide judgment and order of conviction and sentence dated 22.12.2015 passed by learned Sessions Judge, Agra, in Sessions Trial No. 803 of 2008, for the offence punishable under Sections 302 & 506 I.P.C.

4. Learned counsel for the appellants has further submitted that the aforesaid order of conviction and sentenced dated 22.12.2015 was challenged by the husband of complainant before this Court in Criminal Appeal No. 331 of 2016 (Ajay alias Bhikari Valmiki Vs State of U.P.). In aforesaid criminal appeal this Court was pleased to release husband of complainant on bail, during pendency of criminal appeal, vide order dated 24.10.2017.

5. Learned counsel for the appellants has further submitted that after release on bail, the husband of the complainant started creating nuisance. He used to scuffle with the persons of the vicinity, even on petty issues. On 04.06.2022 some hot words had taken place between him and appellant No.1 on the issue of damping of garbage in the dustbin, installed outside of the residence of appellants and on said issue he had committed altercation with appellants Nos. 1 & 2 in the morning hours of 05.06.2022 at about 10:00 AM. Regarding aforesaid incident appellant No.1 lodged First Information Report as Case Crime No. 266 of 2022, under Sections 323, 504, 506 I.P.C. at Police Station-Shahganj, District-Agra on 05.06.2022 at about 18:40 hours.

6. Learned counsel has further submitted that in aforesaid incident, appellant Nos. 1 & 2 had sustained injuries and after registration of F.I.R. both were medically examined at District Hospital Agra on the same day. In pursuance to the aforesaid FIR, police provided with the investigation

and after collecting evidence and recording statements, submitted charge sheet against Ajay Valmiki, before the Court of learned Magistrate on 17.07.2022, under Section 323, 504, 506 IPC vide charge sheet No. 242/2022. When the F.I.R. of appellant No.1 got registered against complainant's husband at Police Station-Shahganj, District-Agra on 05.06.2022, vide Case Crime No. 266 of 2022 then complainant, in order to counter-blast the allegations levelled in F.I.R. as well as to save skin of her husband, cooked up one false and frivolous story at her own table, with conspiracy of her husband and moved complaint to the Senior Superintendent of Police, by way of registered post on 07.06.2022. It has been alleged in the said complaint that in the morning hours of 05.06.2022, accused appellants and their family persons had committed altercation with her and outraged her modesty.

7. It has been further submitted that thereafter, the complainant/opposite party No.2 filed an application under Section 156(3) Cr. P.C. before the Court of learned Special Judge, SC/ST Act, Agra on 01.07.2022. Said application, under Section 156(3) Cr. P.C. was rejected by learned Additional Special Judge (SC/ST Act), Agra vide order dated 21.11.2022. Said order dated 21.11.2022 was challenged by complainant/opposite party No.2 before this Court by filing Criminal Appeal No. 1136 of 2023 'Suman Vs. State of U.P. & 7 Others'. Said appeal was taken up before this Court on 09.05.2023. On said date, this Court, keeping in view the law laid down by Division Bench, in the case Naresh Kumar Valmiki Vs. State of U.P. & Ors. Reported in MANU/UP3410/2022 as well as in Gyanendra Maurya Vs. Union of India reported in MANU/UP/0238/2023, wherein, it is opined that the special court with regard to the offence committed under S.C./S.T. Act may take cognizance under Section 190(1) (a) Cr. P.C., was pleased to dispose of the criminal appeal with the direction that if any complaint case is filed by the appellant, for which he is entitled otherwise, the trial court/special court shall be duty bound to proceed strictly in accordance

with law, having regard in the procedure provided under Chapter XV of Cr.P.C.

8. Learned counsel for the appellants has further submitted that the complainant/opposite party no.2 had instituted false and frivolous criminal complaint before the Court of learned Special Judge, SC/ST Act, Agra on 21.7.2023. On the said complainant, learned Special Judge has taken cognizance and called the complainant for purpose of recording her statement under Section 200 Cr.P.C vide order dated 21.7.2023 fixing 14.8.2023. Thereafter, learned Special Judge had further required the opposite party no.2 under Section 200 Cr.P.C. on 20.1.2024. The complainant/opposite party no.2 also produced two witnesses, namely, Sanjay and Udaybhan Yogi and their statements have been recorded under Section 202 Cr.P.C as CW-1 and CW-2 respectively.

9. Learned trial court after recording statements, issued notice to the appellants and other accused persons. On receipt of said notice, the appellants and other accused persons filed objection before the learned trial court on 13.2.2026 and placed true and correct facts. Despite objection of the accused persons/appellants, the learned trial court neither hold any inquiry regarding genuineness and truthfulness of the allegations levelled in the complaint as well as statements of witnesses, exercising powers under Section 202 Cr.P.C. nor assessed the probability and improbability of the allegations leveled in the complaint as well as statement of witnesses nor applied its judicial mind and summoned the accused/appellants.

10. Learned counsel for the appellants has further submitted that even as per contents made in the complaint, Sanjay and Udaybhan Yogi, both are not the eye witnesses of occurrence. As per allegation levelled in the complaint that both witnesses arrived at the spot after the incident had took place on hue and cry of the complainant. He has further submitted that from the allegation made in the complaint as well as statement of the

complainant recorded under Section 200 Cr.P.C, the incident of alleged altercation as well as caste remarks had not taken place before the witnesses, namely, Sanjay and Udaybhan Yogi. Both witnesses are not eye witnesses of the alleged incident either of altercation or of caste remarks. It is revealed from the statement of the witnesses that they did not state that they saved the complainant from the clutches of the accused persons.

11. On exhaustive perusal of complaint, statement of witnesses and evidence led before the learned trial court in support of complaint, does not indicate that the complainant or any person had ever sustained injuries in the alleged incident. As it is nowhere the case, either in the complaint or statement of witnesses, that the complainant or any person was ever medically examined by any medical officer, at any point of time. No medical examination report has ever produced before the learned trial court. He has further submitted that no offence has been committed under Section 323 IPC. He further submitted that the basic ingredients which constitutes an offence of outraging the modesty of the complainant are also missing in the body of complaint as well as in the statement of witnesses and thus summoning of accused/appellant nos. 1 and 2 for the offence punishable under Section 354 IPC is also bad in the eyes of law. It is further submitted that no Naksha Nazari of the complainant's residence is available on record.

12. Learned counsel has further submitted that there is no ingredients of Section 504, 506 IPC is made out. He has further submitted that there is no mention either in the complaint or in the statements of witnesses that the accused/appellants and other accused persons had committed any crime and only to humiliate the accused for the reason that she is member of scheduled caste. In absence of said provision, the penal clause of Section 3(1)10 of SC/ST Act does not attract.

13. The allegation made by the complainant in her complaint that on

5.6.2022 at 9.30 hours in the morning when she was going for 'pooja' in the temple, at that time, Ramu Verma, Tannu Verma, Mukul Verma, Mannu Verma, Triloki Verma, Ballu Verma, Tannu Verma and Shivam Verma, all were throwing dirty clothes nearby 'Jan Mandir' which includes diaper and filthy clothes of menses. When it was objected by the complainant, then Mannu and Tannu hurled filthy abuses and stated castiest remarks to the complainant. On objection of hurling abuses, they have pushed the complainant and Triloki slapped on her cheek. Triloki stated that do his mouth black and then Tannu and Mannu had committed bad act with myself and they have snatched corner of my sari which was on my head. I ran away in helpless condition to save myself to my house, they have entered into my house and committed altercation with myself and with my daughter. After hearing noise and screaming, the co-villagers, Sanjay and Udaybhan saved us and they fled away after threatening.

14. Learned counsel for the appellants has further submitted that there is no evidence of saving daughter of the complainant and that there is no injury report. The witnesses Sanjay and Udaybhan have reached at the spot after only hearing the noise. The complainant has recorded her statement under Section 200 Cr.P.C. She is a married lady, whose husband is a convicted criminals under Section 302 IPC. There is no injury report of any kind of the complainant. The appellant has also filed an FIR being case crime No. 266 of 2022 of the incident dated 4.6.2022 at 10.00 hours and the FIR was lodged on 5.6.2022 at 18.40 hours. The complainant in the said FIR is Manu Verma son of Ram Prakash Verma. In both the FIR, neighbourhood is not disputed. The incident is related with throwing of garbage and both incident is of dated 4.6.2022. In the FIR lodged by appellants side as Case Crime No. 266 of 2022, the incident is of 4.6.2022.

15. Learned counsel for the appellants has further relied on paragraph no.

17 of the law laid down by the Bombay High Court in **Criminal Revision Application No. 128 of 2017 (Rajesh Swarupchand Kankaria and others Vs. The State of Maharashtra)** as follows:

"17. In the case in hand, no inference of a criminal intention can be drawn from acts of accused persons in the wake of the fact that the actual incident was that of a quarrel initiated by the alleged victim PW1 Sunita. During the course of the quarrel between both parties incident of pulling her by holding her hand and pulling her by catching hold of a corner of her saree took place. PW1 Sunita was not alone at that time. Her husband PW5 Nandkishore was with her. As culpable intention is an essential ingredient of the offence punishable under Section 354 of the IPC; unless the same is proved, merely twisting the hand causing fall of a woman or catching hold of a corner of her saree during the cause of a quarrel cannot be called a deliberate act of outraging the modesty of a female within the meaning of Section 354 of the IPC. If evidence of PW1 Sunita and PW5 Nandkishore is seen in proper perspective, it cannot be said that accused persons viz., accused no.1 Rajesh Kankaria and accused no.3 Swarupchand Kankaria might have fairly presumed or knew that by their act, they are likely to outrage modesty of PW1 Sunita. The test will be whether a reasonable man will think that the act of accused was intended to or was known to be likely to outrage the modesty of the woman."

16. Learned counsel for opposite party no.2 has filed counter affidavit. He has submitted that the complaint case is required to be established only through documentary evidence. The evidentiary value of statement of the complainant and other witnesses cannot be discarded. He has further submitted that the learned trial court has considered the statement recorded under Section 200 and 202 Cr.P.C and the material available on record and passed the summoning order dated 17.6.2026. He has further submitted that discrepancy pointed out by the appellants regarding reference of complainant's son and daughter is, at the highest, a minor discrepancy in the narration of the occurrence and does not go to the root of the allegations made by the complainant regarding the occurrence in question.

17. He has further submitted that alleged registration of Case Crime No. 266 of 2022, the medical examination of the appellants and the subsequent charge sheet against the husband of opposite party no.2 do not, by themselves, establish that the present complaint is false or malicious. The alleged cross-case and the present complaint relate to disputed versions of the parties, the truthfulness whereof can be determined only on the basis of evidence and cannot be conclusively adjudicated in the present proceedings.

18. Learned counsel for the appellants has filed rejoinder affidavit to the said counter affidavit and he denied the contents of the counter affidavit and further submitted and strengthened his averment made in the memo of criminal appeal and the supporting affidavit.

19. There are two cross version of the same incident. It is true and correct that, who is the aggressor, that has to be seen at the stage of trial. The present criminal appeal has been preferred under Section 14-A of SC/ST Act, 1989. Section 14-A of the Scheduled Castes and the scheduled Tribes (Prevention of Atrocities) Act, 1989 is as under:

"14A. Appeals.-(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), an appeal shall lie, from any judgment, sentence or order, not being an interlocutory order, of a Special Court or an Exclusive Special Court, to the High Court both on facts and on law."

20. Hence, in view thereof, this Court has the jurisdiction to appreciate facts and law in the present criminal appeal.

21. As per contents of the present complaint in question, there has been dispute about throwing of garbage/filthy material including diaper and dirty clothes of menses. The allegations made by the complainant/opposite party no.2 about using of castiest remark had not been specifically stated that they had used the castiest word in public view. The contents of the complaint discloses that the alleged offender

belong to same family and there was no other person was present at the time of alleged incident. The incident was not appeared to be in public view and there is no specific or explicit using of castiest remark to the complainant. She did not mention any specific averments that, who had snatched her corner of her 'saree' which was removed from her head. There is no ingredients of offence punishable under Section 354 IPC as relied in paragraph 17 of said judgment **Rajesh Swarupchand Kankaria (supra)**.

22. As per averments made in the complaint by the complainant that at the time of incident, there was no public person or alleged witnesses were present. She had ran away in her house to save herself and thereafter the accused persons had entered into her house and there they committed altercation with her. The complainant did not even record statement of her daughter, which are alleged to be beaten by the accused persons. Thereafter, she has herself stated in the complaint that after hearing her screaming and voice, co-villager Sanjay and Udaybhan Yogi had saved her. As per her own statement, the incident, if any, is of only altercation and hurling abuses as well as beating by legs and fists within the premises of the house. There has been no medical evidence produced either of the injured including the complainant, whereas, she has alleges that several persons had beaten her. In normal course, the injuries has to be caused.

23. In view thereof and after perusing the entire facts and evidence on record, as well as the submissions of learned counsel for the parties in support of their averments, it is apparent that there is cross version of the incident and cross FIR have been lodged by both the parties and, who, is aggressor, that has to be seen at the stage of trial, whereas the allegation and averment made by the complainant in the present case is appeared to be exaggerated and without proper substance. There are absolutely no basic ingredients of Section 354 IPC and 3(1)10 of SC/ST Act. Hence, section 354 IPC and Section 3(1)10 of SC/ST Act, is hereby quashed in

the said summoning order dated 17.6.2026. The rest order of summoning under Sections 452, 323, 504, 506 IPC would remain operative.

24. With these modifications in the aforesaid impugned summoning order dated 17.6.2026, the present criminal appeal, is hereby, **disposed of** accordingly.

September 29, 2026
sfa/

(Abdul Shahid,J.)