2026:AHC:186406

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 8845 of 2026

Rishabh Shnakar Shukla

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Akansha Dixit, Prateek Mishra, Siddhartha Baghel
Counsel for Respondent(s)	:	G.A., Puneet Bhadauria

Court No. - 93

HON'BLE SANTOSH RAI, J.

1. Heard learned counsel for the appellant/applicant, learned counsel for opposite party no.2 and learned AGA for the State.

2. The present criminal appeal has been filed by the appellant with a prayer to set aside the impugned summoning order dated 31.7.2026 passed by Special Judge, SC/ST (PA) Act, Etawah in Special Session Case No.377 of 2025 (Kapil Kumar Dohare vs. Rishabh Shankar Shukla) as well as protest application dated 21.3.2025, arising out of Case Crime No.224 of 2023, under Sections 323, 504, 506, 354 IPC and Sections 3(1)(r), 3(1)(s), 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, P.S.- Bakewar, District- Etawah.

3. Learned counsel for the appellant submits that the impugned summoning order is illegal and has been passed without proper appreciation of the material available on record. It is contended that after a thorough investigation on the application under Section 156(3) Cr.P.C., the Investigating Officer submitted a final report on account of insufficiency of evidence, yet the trial court mechanically treated the protest petition as a complaint and proceeded to summon the appellant. It is further submitted that the dispute between the parties is essentially civil in nature, as a civil suit is already pending regarding the temple administration, and the criminal proceedings have been initiated with mala fide intention to harass the appellant. It is also urged that the ingredients of the alleged offences, including the provisions of the SC/ST

Act, are not made out from the material on record, and therefore the impugned summoning order deserves to be set aside.

4. Learned counsel for opposite party no.2, supported by the learned AGA, submits that the impugned summoning order has been passed after due compliance with the earlier directions of this Court and after affording the appellant an opportunity of hearing as contemplated under Section 223(2) B.N.S.S. It is contended that the protest petition was rightly treated as a complaint after submission of the final report, and the statements recorded under Sections 200 and 202 Cr.P.C. disclose a prima facie case against the appellant under the relevant provisions of the IPC and the SC/ST Act. It is further submitted that the pendency of a civil suit does not bar criminal proceedings where the allegations disclose commission of cognizable offences. Therefore, the impugned summoning order calls for no interference, and the appeal is liable to be dismissed.

5. The present case originated from an application moved by the informant under Section 156(3) Cr.P.C. Pursuant thereto, the matter was investigated by the Investigating Officer, who, finding insufficient evidence, submitted a final report before the court concerned. Upon notice to the informant/victim, a protest petition was filed. After hearing the informant and considering the averments made therein, the protest petition was treated as a complaint. Thereafter, during the inquiry under Sections 200, 202 Cr.P.C., the trial court summoned the appellant to face trial under Sections 323, 352, 354, 504 and 506 IPC and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the SC/ST Act. Learned counsel for for the appellant submits that opposite party no.2 is a sewak in the temple administration and a civil suit regarding the same dispute is also pending between the parties. He further submits that the appellant has earlier preferred two criminal appeals before this Court, namely Criminal Appeal No.8921 of 2025 and Criminal Appeal No.2628 of 2026, wherein following orders were passed on 26.02.2026 and 13.4.2026 respectively:-

".....5. The impugned order is no order at all. The appellant/accused has no locus to challenge the impugned order as it does not, in any way, affect the rights vested in him. The protest petition was filed by the respondent/complainant which was subsequently converted into the complaint case. It is the exclusive jurisdiction of the

learned trial court either to convert the protest petition into complaint, direct further investigation, to accept the final report or summon the accused persons under Section 193/178 BNSS.

6. This criminal appeal lacks merit and is, accordingly, dismissed."

".....8. Accordingly, the summoning order dated 01-08-2025 is hereby set aside. The matter is remitted back to the trial court to pass a fresh order after providing an opportunity of hearing to the present appellant, as contemplated under Section 223(2) BNSS, within a period of two months from the date of production of a certified copy of this order.

9. The instant appeal is, accordingly, disposed of."

6. From the impugned order, it appears that, in compliance with the earlier directions of this Court, reasonable opportunity of hearing, as contemplated under Section 223(2) B.N.S.S., was afforded to the appellant. The trial court, upon considering the averments made in the protest petition and the statements recorded under Sections 200 and 202 Cr.P.C., found a prima facie case and accordingly summoned the appellant under the aforesaid provisions.

7. It is well settled that at the stage of summoning, the trial court is only required to ascertain whether a prima facie case is made out against the accused. It is neither expected to undertake a meticulous appreciation of evidence nor to conduct a mini-trial by evaluating the merits of the prosecution case. Therefore, the material available on record against the appellant is sufficient to proceed against him.

8. For the reasons recorded above, this Court finds that the learned trial court has rightly summoned the accused-appellant under the aforesaid provisions. The impugned order is well reasoned and does not suffer from any illegality or infirmity warranting interference in appellate jurisdiction.

9. The instant appeal, being devoid of merit, stands **dismissed**.

10. The appellant is directed to appear before the court concerned and move bail application, within two weeks from today. It is also made clear that no time extension application shall be moved before this Court by the

appellant.

11. In case, the appellant moves bail application before the court concerned, the same shall be considered and decided by the trial court expeditiously and preferably on the same day, in light of principles laid down by the Supreme Court as well as this Court regarding surrender and bail.

12. In case, the appellant fails to appear before the court concerned within the stipulated period, the trial court will be at liberty to adopt appropriate coercive proceedings, in accordance with law, for securing the presence of the appellant.

13. Registrar (Compliance) is directed to serve a copy of this order by FAX/e-mail to the court concerned through District & Sessions Judge concerned within 48 hours.

(Santosh Rai,J.)

September 8, 2026
RA

Digitally signed by :-
RAZIQ ALI
High Court of Judicature at Allahabad