2026:AHC:230878

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 482 No. - 5476 of 2013

Km. Satyavatiji Sadhvi And Another

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	U.K.Saxena, Vikas Srivastava
Counsel for Opposite Party(s)	:	A.K.Sachan, Dheeraj Kumar Dwivedi, Govt. Advocate, Rajesh Yadav, Shailesh Kumar Yadav, Shilesh Singh Yadav

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Court No. - 78

HON'BLE SANDEEP JAIN, J.

1. Supplementary affidavit filed on behalf of the applicants is taken on record.

2. The instant application under Section 482 Cr.P.C. has been filed seeking quashing of the entire proceedings of Complaint Case No. 198 of 2012 (Kishan Singh Chauhan Vs. Ram Vilash Pandey and Others), under Sections 323, 427, 452, 504 and 506 IPC, Police Station Akbarpur, District Kanpur Dehat, pending before the Additional Civil Judge (Senior Division), Court No. 2, Kanpur Dehat, including the order dated 29.10.2012 passed by the aforesaid court in the said complaint case.

3. The factual matrix of the case is that the complainant-respondent no. 2, Kishan Singh Chauhan, instituted a complaint case against the applicants, inter alia, alleging that he is a member of Dev Samaj, a registered society engaged in social and religious activities, which runs several primary schools, degree colleges and technical institutions at different places across the country, having its headquarters at Sector 36-B, Chandigarh.

4. It was further alleged that the aforesaid society runs Dev Samaj Public Junior School at Kasba and Police Station Akbarpur, District Ramabai Nagar, which is recognised by the State of Uttar Pradesh up to the primary and junior high school levels. However, the institution is self-financed and does not receive any financial assistance from the State

Government.

5. It was further averred that, at the time of institution of the complaint, the complainant was working as the Manager of the aforesaid school, situated within the territorial jurisdiction of Police Station Akbarpur. Applicant Kumari Satyawati was its Joint Secretary and, in October 2011, sent a letter proposing the inclusion of the name of applicant Ram Vilas Pandey for operating the bank account of the school maintained at the State Bank of India, Akbarpur Branch. It was alleged that the aforesaid letter had been illegally issued by applicant Kumari Satyawati.

6. It was further alleged that on 01.11.2011, the complainant was informed by Shri Subhash Chandra Sharma, Principal of the school, about misappropriation of its funds, pursuant to which an inquiry was conducted. It was also alleged that, during the period 1993–1997, applicant Ram Vilas Pandey as Manager of the school, had fraudulently prepared salary receipts of the teachers and other employees and misappropriated the corresponding amounts, which were never reflected in the account books of the school. In substance, the allegation was that the applicants had conspired to misappropriate the funds of the school.

7. It was further alleged that on 12.02.2012, at about 2:30 p.m., the applicants, along with two armed accomplices, arrived at the aforesaid school in a car bearing registration no. UP-32-DW-2787, forcibly entered the complainant's office and demanded the salary register, cash book and other records of the school. When the complainant resisted, he was abused, threatened and assaulted at gunpoint and was also directed to resign from the post of Manager. Upon hearing his alarm, his wife, Smt. Radha Chauhan, arrived at the spot, whereupon she was also assaulted and abused, as a result of which she sustained injuries. It was further alleged that certain crockery items and a television set kept in the office were also damaged during the incident. However, upon the intervention of the persons present in the school, the applicants and their accomplices fled from the spot.

8. When the police did not register the complaint, the complainant filed a complaint before the competent court on 10.09.2012. In support thereof,

he examined himself under Section 200 Cr.P.C. and also examined Smt. Neeraj Kushwaha and his wife, Smt. Radha Chauhan, under Section 202 Cr.P.C. On the basis of the aforesaid evidence, the Additional Civil Judge (Senior Division)/Additional Chief Judicial Magistrate, Court No. 2, Kanpur Dehat, vide order dated 29.10.2012, summoned the applicants to face trial for the offences punishable under Sections 323, 427, 452, 504 and 506 I.P.C. The aforesaid summoning order and the consequential proceedings have been challenged in the present application.

9. Learned counsel for the applicants submits that, at the relevant point of time, the complainant-respondent no. 2, Kishan Singh Chauhan, was employed as the Manager of the aforesaid school, which was being run by the society within the territorial jurisdiction of Police Station Akbarpur, District Kanpur Dehat.

10. It is further submitted that the dispute between the parties arose when applicant Kumari Satyawati issued a letter to the complainant directing that the name of applicant Ram Vilas Pandey be included in the bank account of the school maintained at the State Bank of India, Akbarpur Branch, which had hitherto been operated solely by the complainant.

11. Learned counsel for the applicants submits that, since the complainant was allegedly indulging in fraudulent activities and misappropriating the funds of the school, the higher authorities of the society, situated at Chandigarh, decided that the aforesaid bank account should be operated jointly by the complainant and applicant Ram Vilas Pandey so as to prevent any further misappropriation of the school's funds. The complainant objected to the said decision, whereupon, out of vindictiveness, he instituted the present false complaint, alleging that on 12.02.2012, the applicants, along with their armed accomplices, arrived at the school in a car, forcibly entered his office, assaulted and abused him and threatened him with dire consequences.

12. It is further submitted that the complainant had also levelled allegations regarding misappropriation of the school's funds by the erstwhile Manager Ram Vilas Pandey, who had allegedly prepared fraudulent salary receipts and made fictitious entries in the cash book and

ledgers of the school. However, no authority had ever been conferred upon the complainant by the society to institute any complaint on its behalf in respect of such alleged financial irregularities. Since the school was being managed by the society, it was only the society which was competent to initiate proceedings in respect of any financial irregularity allegedly committed by its functionaries in the management of the institution. Nevertheless, no such authority had ever been delegated to the complainant.

13. It is further submitted that, on substantially the same set of facts, Original Suit No. 166 of 2012, Kishan Singh Chauhan v. Ram Vilas Pandey and Nirmal Singh, was instituted seeking to restrain the defendants from interfering with the management and operation of the school. An application for interim injunction filed therein was initially allowed by the trial court. However, the said order was challenged before the appellate court, which allowed the appeal and set aside the order of injunction.

14. It is further submitted that the aforesaid appellate order was subsequently challenged by the complainant by filing Writ-C No. 8804 of 2015, Kishan Singh Chauhan v. Ram Vilas Pandey and Two Others, which came to be dismissed by a Coordinate Bench of this Court vide order dated 12.02.2015. Learned counsel submits that the Coordinate Bench specifically observed that the complainant was a complete stranger and had no authority to ventilate any grievance concerning the management of the institution.

15. Learned counsel further submits that the tenure of the complainant as Manager of the school came to an end on 08.01.2013, when he was expelled from the primary membership of the society. It is also submitted that the complainant subsequently made attempts to arrive at a settlement with certain functionaries of the society and expressed regret for having lodged a false complaint against them. In support of the aforesaid submission, learned counsel has placed reliance upon certain documents brought on record by way of the supplementary affidavit.

16. It is further submitted that the society had also issued a show-cause

notice dated 30.06.2011 to the complainant on account of his alleged mismanagement of the school. Learned counsel submits that, in order to conceal his own misdeeds and evade accountability for the aforesaid mismanagement, the complainant instituted the present frivolous complaint against the applicants.

17. On the strength of the aforesaid submissions, learned counsel for the applicants contends that the complaint has been instituted as a consequence of the personal and administrative dispute between the parties and amounts to a gross abuse of the process of law. It is, therefore, prayed that the summoning order dated 29.10.2012 and the entire consequential criminal proceedings be quashed.

18. Per contra, learned counsel for the complainant-opposite party No. 2 submits that Kishan Singh Chauhan is, till date, continuing as the Manager of the school situated within the territorial jurisdiction of Police Station Akbarpur. He further submits that, being the Manager of the school, he is vested with the authority to institute a complaint in respect of the alleged misappropriation of school funds by the applicants. Therefore, no illegality has been committed by the complainant in filing the instant complaint before the competent Magistrate.

19. It is further submitted that there is prima facie substantial evidence on record to establish that the applicants, along with their armed accomplices, came to the office of the complainant and, at gunpoint, threatened him with dire consequences and demanded the cash book and ledgers of the school with a view to obliterating the evidence of misappropriation of funds. When the complainant resisted their attempt, the applicants abused and assaulted him, and he could be saved only due to the intervention of other persons present there. Learned counsel, therefore, submits that, in the facts and circumstances of the case, the applicants have rightly been summoned to face trial for the offences punishable under Sections 323, 427, 452, 504 and 506 IPC, and the impugned order does not warrant any interference by this Court in exercise of its inherent jurisdiction under Section 482 Cr.P.C.

20. I have heard learned counsel for the parties and perused the record.

21. From a perusal of the plaint of Original Suit No. 166 of 2012, Kishan

Singh Chauhan Vs. Ram Vilas Pandey and Nirmal Singh, instituted for restraining the defendants from creating any hindrance in the management of the disputed school, it transpires that the complainant-plaintiff himself averred that he had remained the Manager of the aforesaid school only up to 31.03.2013 and had been appointed by the Management Committee of Dev Samaj Society, whose headquarters are situated at Chandigarh.

22. Learned counsel for the applicants has also filed a supplementary affidavit in Court today, which discloses that Dev Samaj Society had never authorised the complainant, Kishan Singh Chauhan, to institute any criminal complaint in respect of the alleged misappropriation of the funds of the school by the applicants.

23. It further transpires that, in the aforesaid original suit, the complainant had filed an application for temporary injunction, which was initially allowed by the trial court. However, the said order was subsequently reversed in appeal. The complainant thereafter challenged the appellate order by filing Writ-C No. 8804 of 2015, Kishan Singh Chauhan Vs. Ram Vilas Pandey and others, which was dismissed by a coordinate Bench of this Court vide order dated 12.02.2015.

24. A perusal of the aforesaid order specifically reveals that the tenure of the complainant as Manager of the school had come to an end on 31.03.2013 and, upon expiry of the said tenure, he had no right to continue as Manager. It was further observed by the Court that the complainant had not approached the Court with clean hands, having concealed material facts. The Court also observed that the complainant was a complete stranger to the management of the institution and that the applicants were validly managing the institution, which had itself raised no grievance. Thus, a non-existent grievance had been sought to be raised by the complainant in the aforesaid suit.

25. In view of the aforesaid facts and circumstances, it is prima facie evident that the complainant remained the Manager of the disputed school at the most only up to 31.03.2013 and, thereafter, had no locus to institute any complaint in respect of the alleged misappropriation of the funds of the school or the salaries of its employees.

26. It further transpires from the record that, on 30.06.2011, Dev Samaj Society took cognizance of the alleged misconduct of the complainant and issued him a show-cause notice. Thereafter, in its meeting held on 13.08.2011 at the Head Office of Dev Samaj, Sector 36-B, Chandigarh, the Dev Samaj Managing Council decided to demote the complainant.

27. It, thus, appears that, arising out of the aforesaid dispute and the action taken against him by Dev Samaj Society, the complainant instituted the instant complaint on 10.09.2012, alleging that the applicants had misappropriated the funds of the school and the salaries of its employees.

28. It is further apparent from the record that there is no documentary evidence to substantiate the allegation that the applicants had misappropriated the funds of the school or the salaries of its employees. The allegations in this regard are general and bald in nature, without any supporting material.

29. The specific case of the complainant is that, on 12.02.2012, the applicants, along with two armed accomplices, arrived in a car bearing registration No. UP 32 DW 2787 at the office of the complainant situated within the premises of the disputed school. They allegedly attempted to forcibly enter the office and take possession of the ledgers and cash book, which, according to the complainant, contained material relating to the alleged misappropriation of funds by the applicants. When the complainant resisted their attempt, the applicants allegedly abused, assaulted and threatened him with dire consequences. It is further alleged that the complainant could save himself only due to the intervention of the persons present at the spot.

30. However, the documents available on record disclose that applicant Kumari Satyawati was the Manager of Dev Samaj Public Junior High School, Akbarpur, Kanpur Dehat, from 01.01.2012 to 31.12.2012, whereas applicant Ram Vilas Pandey was a member of the said school. Thus, on the date of the alleged incident, i.e. 12.02.2012, the applicants were holding positions in the management of the school and were, therefore, entitled to visit the school and inspect its relevant records, including the cash book and ledgers. In such circumstances, the complainant could not have lawfully prevented them from exercising their aforesaid rights.

31. In view of the aforesaid facts and circumstances, the very foundation of the complainant's case stands demolished. Being the functionaries of the school, the applicants were well within their rights to visit the school and inspect its relevant records, and the complainant could not have lawfully obstructed them from doing so.

32. It further transpires from the record that, on account of his alleged illegal acts, the complainant had already been expelled from the primary membership of Dev Samaj Society with effect from 08.01.2013. Despite this, learned counsel for the complainant continues to assert that the complainant is still functioning as the Manager of the school, a submission which is not substantiated by any document available on record.

33. From the aforesaid facts, it is evident that the instant complaint appears to have been instituted out of vengeance and with an ulterior motive, thereby amounting to an abuse of the process of the Court. The alleged misconduct of the complainant had already been taken note of by Dev Samaj Society, which had issued him a show-cause notice calling upon him to explain his conduct. However, instead of responding to the said action, the complainant levelled allegations against the applicants regarding the alleged misappropriation of the funds of the school and the salaries of its employees, without placing any documentary evidence in support thereof.

34. It is also evident from the record that, with effect from 08.01.2013, the complainant ceased to be a member of Dev Samaj Society and, consequently, could not claim to be functioning as the Manager of the school. Significantly, Dev Samaj Society itself has never lodged any complaint regarding the alleged misappropriation of the funds of the school or the salaries of its employees. Even none of the employee of the school has come forward with any allegation that his or her salary was misappropriated by the applicants. Thus, prima facie, no occasion arose for the complainant to institute the instant complaint in respect of the alleged misappropriation.

35. In view of the foregoing discussion and the material available on record, this Court is of the considered opinion that permitting the criminal proceedings to continue against the applicants would amount to an abuse of the process of the Court, which cannot be permitted in exercise of the inherent jurisdiction of the Court.

36. Accordingly, the application is ***allowed***.

37. Consequently, the entire proceedings of Complaint Case No. 198 of 2012, Kishan Singh Chauhan Vs. Ram Vilas Pandey and another, under Sections 323, 427, 452, 504 and 506 IPC, Police Station Akbarpur, District Kanpur Dehat, including the summoning order dated 29.10.2012 and all consequential proceedings arising therefrom, are hereby quashed.

(Sandeep Jain,J.)

November 5, 2026
Jitendra

Digitally signed by :-
JITENDRA KUMAR PATEL
High Court of Judicature at Allahabad