2026:AHC:210997

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 7128 of 2026

Atul Kumar

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Anjeet Singh
Counsel for Respondent(s)	:	G.A., Itkarsh Singh, Neeraj Srivastava

Court No. - 91

HON'BLE SANTOSH RAI, J.

1. Heard learned counsel for the appellant, learned counsel for opposite party no.2 and learned A.G.A. for the State and perused the record.

2. The present appeal has been filed under Section 14A(1) of S.C. & S.T. Act by the appellant to set-aside the impugned summoning order dated 30.05.2026 passed by learned Special Judge, S.C./S.T. Act, Fatehpur in Special Trial No. 682 of 2026 (State of U.P. Vs. Atul Kumar) arising out of Case Crime No. 122 of 2025, under Section 69 B.N.S. and Section 3(2)(5) S.C./S.T. Act, Police Station Jaferganj, District Fatehpur as well as charge-sheet No. 01 of 2025, dated 21.11.2025 filed by I.O. and entire proceedings of the aforesaid case.

3. Tersely, as per F.I.R. version, the informant, Khushbu Devi, alleged that accused Atul Kumar, son of Rakesh, had been known to her for about five years and had been pressurising her to marry him. On 15.09.2025 at about 6:00 p.m., the accused allegedly called her near her agricultural field and, on the false assurance of marriage, established physical relations with her. When she objected and asked him to fix the date of marriage, he refused and stated that he would not marry her and that she should leave. She further alleged that when she went to the accused's house, his family members also drove her away. The informant stated that she was about 19 years of age and that both had been in a relationship by mutual consent.

4. Briefly, the grounds of the appeal are that the impugned summoning order dated 30.05.2026 passed by learned Special Judge, S.C./S.T. Act, Fatehpur is wholly illegal and not sustainable in the eyes of law. The impugned order is

based on surmises and conjunctures as such same is liable to be quashed.

5. Learned counsel for the appellant submitted that the prosecution has been maliciously instituted only to harass the appellant. The victim is a major girl aged about 19 years and, as per the FIR and her own statements under Sections 161 and 164 Cr.P.C., she had been in a consensual relationship with the appellant for about five years. It is further submitted that her statements are mutually contradictory and that she herself admitted that the physical relationship was consensual. There was no specific date or timeline fixed by the appellant for marriage, and the allegation of physical relationship on the basis of a false promise of marriage is therefore wholly unfounded. It is also submitted that the time of occurrence was not mentioned in the F.I.R. and the allegations contained in the F.I.R. and charge-sheet are false and concocted. Accordingly, it is prayed that the impugned order and entire criminal proceedings be quashed.

6. Learned counsel for the opposite party no.2 and learned A.G.A. for the State vehemently opposed the appeal and submitted that the F.I.R. contains specific allegations against the appellant regarding establishing physical relations with the victim on the assurance of marriage and subsequently refusing to marry her. The victim's allegations disclose commission of the alleged offence, and the material collected during investigation, including her statements, prima facie supports the prosecution case. It is further submitted that the impugned order has been passed after considering the material available on record and does not suffer from any illegality warranting interference by this Court. Accordingly, the appeal is liable to be dismissed.

7. Upon consideration of the submissions advanced by learned counsel for the appellant, learned counsel for opposite party no.2 and learned A.G.A. for the State, as well as the material available on record, this Court finds that the appellant is specifically named in the F.I.R., wherein specific allegations have been levelled against him regarding establishing physical relations with the victim on the false assurance of marriage and subsequently refusing to marry her. The allegations made in the F.I.R. find support from the statements of the victim recorded under Sections 180 and 183 B.N.S.S. The contentions regarding consensual relations, contradictions in the victim's statements and absence of a definite timeline for marriage involve matters of appreciation of evidence, which cannot be conclusively adjudicated at the

stage of summoning. At this stage, the Court is required only to examine whether the material on record discloses a prima facie case against the accused, and a detailed evaluation of the evidence or a mini-trial is impermissible. The mere assertion that the prosecution has been maliciously instituted does not, by itself, justify interference with the impugned order. Accordingly, this Court finds no illegality, perversity or infirmity in the impugned summoning order dated 30.05.2026 warranting interference in the present appeal. The appeal, being devoid of merit, is liable to be dismissed.

8. Accordingly, this criminal appeal is **dismissed.**

October 8, 2026
Asha

(Santosh Rai,J.)

Digitally signed by :-
ASHA
High Court of Judicature at Allahabad