HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 7677 of 2026

Devendra Singh Chauhan

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Jitendra Kumar, Keshav Hari Dixit, Purushottam Dixit
Counsel for Respondent(s)	:	G.A., Pankaj Kumar Mishra

Court No. - 88

HON'BLE ABDUL SHAHID, J.

1. Case called out in revised list.

2. Learned counsel for the appellant is present. Learned AGA Ms. Tahira Shabnam, is present for the State. None is present for opposite party no.2, despite service sufficient.

3. The present criminal appeal has been filed against the impugned summoning/cognizance order dated 4.6.2026, passed by the learned Special Judge SC/ST Act, Etawah as well as entire criminal proceedings in Criminal Case No. 902 of 2026 (State Vs. Devendra Singh Chauhan) arising out of Case Crime No. 58 of 2026, under Sections 333, 115(2), 352, 351(3), 3(5) BNS and 3(1)(r), 3(1)(s), 3(2) (Va) of SC/ST Act, Police Station Bakewar, District Etawah.

4. Learned counsel for the appellant has submitted that the incident is dated 27.2.2026 at 19.30 hours and the FIR had been lodged on 10.3.2026 at 9.48 hours. He has further submitted that delay in the FIR has not been properly and reasonably explained by the complainant. He has further submitted that the entire incident is alleged to have been occurred within the house and there is dispute of financial nature. In this regard, the litigation is also sub-juidce between the appellant before the competent court of law. It is a malicious prosecution started by the opposite party no.2.

5. The complainant/opposite party no.2 has stated in the FIR that she was

sitting in her house on 27.2.2026 at 7.30 pm, at that time, appellant Devendra Singh Chauhan had entered into her house. As soon as, he entered, he started hurling abuses and used castiest remark with intention of humiliation. He has stated that I had called you, why you did not visit to me. Your son is missing, but you could not able to do anything. I will sit your daughter at Kotha (brothel); why you did not pay my money. The complainant has told that I had already returned more than four times of the money, which I had taken on borrow. Then the accused/appellant seriously beaten her and after holding her hairs grounded her on the floor and he was stating that within two days, Scorpio will be run over on you. Rajat Kushwaha and Gaurav Mishra, Pradhan, who were present at the spot have saved her. Thereafter, he threatened to kill. My family is absolutely frightened and I came to the police station for registration of the FIR.

6. The incident is of 27.2.2026 at 19.30 hours and the FIR was registered on 10.3.2026 at 9.48 hours against the appellant. The husband of complainant is Girjesh. There is an affidavit dated 29.5.2024 which has been filed which is of Girjesh Kumar. It is mentioned in the affidavit that I was in the need of money and I took an amount of Rs. 4,30,000/ on loan by Santosh Kumar Singh son of Maharban Singh, resident of Ram Nagar, City and district Etawah for a period of four month. The deponent has given a cheque bearing No. 057668 of Central Bank of India as guarantee. It is also mentioned in the said affidavit that if said amount has not been paid within the stipulated period, then said amount shall be realized by said cheque. If said cheque is dis-honoured, then legal proceedings may be initiated against him that would be acceptable to him. Whereas, proceedings under Section 138 of N.I. Act has been initiated on the basis of cheque No. 057669 of Rs. 9 lacs issued by Girjesh Kumar in the name of Devendra Singh Chauhan (appellant), whereas the borrowed money, if any, as per previous affidavit is of Rs. 4,30,000/ only. Both are altogether different.

7. The statement of complainant is already recorded under Section 161 Cr.P.C and statement of eye witnesses Rajat Kushwasha and Gaurav Mishra were also recorded during investigation. The dispute of financial transaction, if any, it was with the husband of complainant. The appellant

is having no right to enter into house of the complainant and beat her severally due to financial dispute, if any, with her husband. The injury report of the complainant, Rekha Devi is on record, where, she has suffered five injuries caused by hard and blunt object. After completion of investigation, charge sheet has been filed against the appellant under Sections 333, 115(2), 352, 351(3), 3(5) BNS and 3(1)(r), 3(1)(s), 3(2)(Va) of SC/ST Act.

8. In view of facts, reasons, circumstances and evidences collected during investigation, there is prima facie case is made out against the appellant on perusal of the evidence collected during investigation. The impugned order, passed by learned trial court dated 4.6.2026 is having no illegality, irregularity or jurisdictional error. The trial is yet to began. A detail appreciation of evidence would be conducted by the learned trial court during trial.

9. In view thereof, the criminal appeal is liable to be dismissed and it is **dismissed,** accordingly.

(Abdul Shahid,J.)

November 2, 2026
sfa/

Digitally signed by :-
SYED FAHEEM AHMAD
High Court of Judicature at Allahabad