2026:AHC:229059

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 8043 of 2026

Amit And 3 Others

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Kapil Kumar, Nitika Sharma
Counsel for Respondent(s)	:	G.A., Rakesh Kumar, Ramesh Chandra Kushwaha, Sanjeev Kumar

Court No. - 88

HON'BLE ABDUL SHAHID, J.

1. Heard learned counsel for the appellants and Mr. Rajesh Kumar Singh, learned A.G.A. for the State. None has appeared on behalf of opposite party no. 2, the complainant, even in the revised call.

2. The instant criminal appeal has been preferred challenging the summoning order dated 15.05.2026 passed by the learned Special Judge, S.C./S.T. (Prevention of Atrocities) Act, Bulandshahr, in Complaint Case No. 89 of 2024 (Adesh Vs. Amit), under Sections 333, 115(2), 352 and 351(2) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as 'B.N.S.') and Sections 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, Police Station Agauta, District Bulandshahr, as well as the entire proceedings of the aforesaid complaint case pending before the learned Special Judge, S.C./S.T. (P.A.) Act, Bulandshahr.

3. The prosecution case, as set out in the complaint, is that opposite party no. 2, Adesh, belongs to the Jatav community, which is a Scheduled Caste, and earns his livelihood by undertaking electrical motor winding and repair work. It is alleged that in April 2024, he had repaired the electric motor of appellant no. 1, Amit, who belongs to the Jat community and is a resident of the same village, for a sum of Rs.370/-. However, despite repeated demands, appellant no. 1 did not pay the aforesaid amount.

4. It is further alleged that while opposite party no. 2 was returning

home on his brother's motorcycle, he came across appellant no. 1 and demanded payment of the outstanding amount. On this, appellant no. 1 allegedly hurled caste-based abuses at him, snatched the keys of the motorcycle, forcibly took possession of the vehicle and assaulted him. It is stated that certain persons, including Krishna, intervened and rescued opposite party no. 2.

5. The further allegation is that approximately ten minutes thereafter, appellant no. 1, along with his uncles, namely, Indrapal and Dharmendra, and his cousin, Anuj, forcibly entered the house of opposite party no. 2. They allegedly hurled caste-based abuses at him, assaulted him severely with sticks and extended threats to kill him. It is further alleged that upon hearing the commotion, neighbours, namely, Lala and Krishna, intervened and rescued opposite party no. 2 from the alleged assault.

6. Learned counsel for the appellants submits that the entire dispute, in substance, is between appellant no. 1, Amit, and opposite party no. 2, Adesh, and arises out of a monetary transaction concerning the repair of an electric motor. It is contended that the allegations levelled in the complaint are false, fabricated and have been made with the sole intention of implicating the appellants in criminal proceedings, although the alleged incident, in the manner stated in the complaint, never took place.

7. Learned counsel for the appellants further submits that appellant no. 1, Amit, had already lodged an F.I.R. on 16.08.2024 in respect of an incident alleged to have taken place on 14.08.2024, which was registered as Case Crime No. 175 of 2024, under Sections 115(2), 352, 351(2) and 351(3) of the B.N.S. against opposite party no. 2, Adesh.

8. In the aforesaid F.I.R., it was alleged that the complainant had got his electric fan repaired. When Adesh demanded payment for the repair work, the complainant expressed his inability to pay the exact amount at that time owing to the non-availability of change and requested him to collect the amount later. Upon this, Adesh allegedly started abusing the complainant and assaulted him by delivering a blow on his nose, causing injuries. Thereafter, the accused left the

spot while extending threats to kill the complainant.

9. On the strength of the aforesaid facts, learned counsel for the appellants argued that the complaint filed by opposite party no. 2 is nothing but a counterblast to the F.I.R. lodged earlier by appellant no. 1. It is, therefore, contended that the genesis of the dispute is a monetary transaction between appellant no. 1 and opposite party no. 2, which subsequently resulted in an altercation between them. The implication of appellant nos. 2 to 4, who are relatives of appellant no. 1, is stated to be an attempt to give a different colour to the dispute and unnecessarily drag them into criminal proceedings.

10. Learned A.G.A. has opposed the submissions advanced by learned counsel for the appellants and submits that the allegations made in the complaint disclose the commission of cognizable offences. It is further submitted that the learned trial court, after considering the material available on record, has passed the impugned summoning order and that the allegations relating to caste-based abuses and assault require consideration during trial. However, the existence of the cross-case is not disputed.

11. I have considered the rival submissions advanced by learned counsel for the parties and perused the material available on record.

12. From the material placed before this Court, it is evident that there is a cross-case between appellant no. 1, Amit, and opposite party no. 2, Adesh. The F.I.R. lodged by appellant no. 1 on 16.08.2024 relates to an incident alleged to have taken place on 14.08.2024, whereas the complaint filed by opposite party no. 2 also arises out of the dispute concerning payment for electrical repair work. Thus, the existence of a dispute between the parties concerning the payment of money and the subsequent altercation between them cannot be completely overlooked while examining the challenge raised in the present appeal.

13. It is noteworthy that the allegations in the complaint, when considered in their entirety, indicate that the principal dispute originated between appellant no. 1 and opposite party no. 2. The allegations concerning the initial demand for payment and the subsequent altercation are primarily directed against appellant no. 1.

Although certain allegations have also been levelled against appellant nos. 2 to 4, namely, Indrapal, Dharmendra and Anuj, their implication requires independent consideration in the light of the material available on record.

14. It is a settled principle of criminal jurisprudence that the existence of a cross-case, by itself, does not furnish a ground for quashing criminal proceedings. Similarly, merely because an F.I.R. has been lodged by one party earlier in point of time, the subsequent complaint cannot automatically be treated as false or as a counterblast. The truthfulness of the respective versions, the circumstances in which the occurrence took place and the question as to which party was the aggressor are matters which ordinarily require appreciation of evidence during trial.

15. At the same time, the inherent jurisdiction of this Court can be exercised where the allegations and the material available on record do not disclose a sufficient basis for continuing criminal proceedings against a particular accused. The criminal process should not be permitted to continue against persons merely on account of their relationship with the principal accused, in the absence of specific and legally sustainable allegations against them.

16. In the present matter, upon careful consideration of the complaint and the material available on record, this Court finds that the allegations against appellant nos. 2 to 4 do not disclose any specific and independent role supported by sufficient material warranting their prosecution. Their implication appears to have arisen primarily on account of their relationship with appellant no. 1. No sufficient ground is made out for compelling appellant nos. 2 to 4 to face the criminal proceedings in the aforesaid complaint case.

17. Accordingly, this Court is of the considered view that the continuation of criminal proceedings against appellant nos. 2 to 4 would not serve the ends of justice. Consequently, the impugned summoning order, to the extent that it relates to appellant nos. 2 to 4, namely, Indrapal, Dharmendra and Anuj, is hereby set aside.

18. So far as appellant no. 1, Amit, is concerned, the allegations made in the complaint specifically attribute a role to him in the alleged

occurrence. The existence of a cross-case and the defence that the complaint has been filed as a counterblast to the F.I.R. lodged by appellant no. 1 cannot, at this stage, be treated as sufficient grounds for quashing the proceedings against him. The question as to the actual genesis of the occurrence, the respective roles of the parties, the truthfulness of the allegations and the question as to who was the aggressor are matters which can appropriately be examined by the trial court after the parties have led their respective evidence.

19. It is, therefore, made clear that this Court has not expressed any opinion on the merits of the allegations levelled against appellant no. 1. The proceedings against him shall continue in accordance with law, without being influenced by any observation made hereinabove.

20. There is, however, another aspect of the matter which requires consideration. Admittedly, the present complaint case and Case Crime No. 175 of 2024 arise out of a dispute between the same two parties and constitute cross-cases. The possibility of conflicting findings cannot be ruled out if both cases are tried and decided by different courts independently. In order to avoid such a situation and to ensure consistency in the appreciation of evidence, it would be appropriate that both cases are dealt with by the same court, in accordance with the procedure prescribed by law governing the trial of cross-cases.

21. The learned court concerned is, therefore, expected to ensure that both the cross-cases are placed before the same court, subject to the applicable statutory provisions and administrative directions, and are tried and decided in accordance with law, while maintaining their separate identities and following the procedure applicable to cross-cases.

22. In view of the foregoing discussion, the present criminal appeal is partly allowed.

23. The impugned summoning order dated 15.05.2026 passed by the learned Special Judge, S.C./S.T. (Prevention of Atrocities) Act, Bulandshahr, in Complaint Case No. 89 of 2024 (Adesh Vs. Amit), is hereby quashed to the extent it relates to appellant nos. 2 to 4, namely, Indrapal, Dharmendra and Anuj. The proceedings of the

aforesaid complaint case, insofar as they relate to appellant nos. 2 to 4, stand quashed.

24. The proceedings against appellant no.1, Amit shall continue before the learned court concerned in accordance with law.

25. The learned court concerned shall also take appropriate steps, in accordance with law and the applicable procedure, to ensure that both the cross-cases are tried and decided by the same court so as to avoid the possibility of conflicting judgments.

26. It is further clarified that the observations made hereinabove are confined to the adjudication of the present appeal and shall not prejudice the rights and contentions of the parties during the trial of the respective cases.

27. With the aforesaid modifications, the criminal appeal stands partly allowed and disposed of accordingly.

November 3, 2026
M. Tarik

(Abdul Shahid,J.)

Digitally signed by :-
MOHD TARIK
High Court of Judicature at Allahabad