2026:AHC:209711

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 9300 of 2024

Chhavi Ram And 2 Others

.....Appellant(s)

Versus

State Of Up And 2 Others

.....Respondent(s)

Counsel for Appellant(s)	:	Abhay Goswami (Ac), Chandra Prakash Pandey
Counsel for Respondent(s)	:	G.A.

Court No. - 91

HON'BLE SANTOSH RAI, J.

1. Case called out. None appears on behalf of opposite party no.2.

2. Heard Sri Abhay Goswami, learned Amicus Curiae for the appellant and learned A.G.A. for the State and perused the record.

3. Learned Amicus Curiae for the appellants submitted that the parties had agreed to resolve the dispute amicably; however, they have neither appeared before the court nor deposited the compensation amount received from the State under the S.C. & S.T. Act and Rules. Consequently, the compromise could not be verified in accordance with the applicable rules.

4. The present appeal has been filed under Section 14A(1) of S.C. & S.T. Act by the appellants to set aside summoning order dated 02.03.2023 passed by Special Judge (S.C. & S.T.) Act, Kannauj in Session Case No.221 of 2023, arising out of Case Crime No.295 of 2022 (State vs. Chhaviram and others), under Sections 323, 504, 427 and 325 I.P.C. and Section 3(1) Da S.C. & S.T. Act as well as chargesheet No.347 of 2022, P.S. Kotwali Kannauj, District Kannauj

5. Tersely, as per the F.I.R. version, on 12.05.2022 at about 9:00 a.m., while the informant was returning to his house on a motorcycle along with his sister-in-law (bhabhi), the accused appellants intercepted them near village Karimpur. It was alleged that the accused appellants abused them using caste-indicative derogatory words and, when objected to, assaulted the informant and his bhabhi with lathi, danda and kicks. The motorcycle of the informant was also allegedly damaged.

6. Briefly, the grounds of the appeal are that the impugned summoning order dated 02.03.2023 passed by Special Judge (S.C. & S.T.) Act, Kannauj 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.

7. Learned Amicus Curiae appearing on behalf of the accused-appellants submitted that the accused-appellants have been falsely implicated in the present case and that the allegations made in the First Information Report do not, on their face, disclose the commission of the alleged offences. It is further submitted that the allegations regarding the use of derogatory and abusive language are general in nature and that there is no sufficient material on record to establish the essential ingredients of the offences alleged against the accused-appellants. It is contended that the learned trial court failed to properly appreciate the material available on record while taking cognizance and summoning the accused-appellants. Learned Amicus Curiae further submitted that the material on record did not disclose a clear and specific prima facie case against the accused-appellants and, therefore, the impugned order deserved to be set aside.

8. Per contra, learned A.G.A. appearing for the State opposed the submissions advanced on behalf of the accused-appellants and submitted that the First Information Report specifically names the accused-appellants and attributes specific and distinct roles to each of them. It is further submitted that there is a specific allegation that the accused-appellants used derogatory and abusive language against the victim, which clearly discloses a prima facie case against them. Learned A.G.A., on the basis of instructions, submitted that the injured sustained grievous injuries, including a fracture on the right shoulder.

9. In the First Information Report, the accused-appellants are named and specific and distinct roles have been assigned to them. It has specifically been alleged that the accused-appellants used derogatory and abusive language against the victim. Learned Amicus Curiae has admitted this fact. The injured witnesses have also been examined by the Investigating Officer and have supported the prosecution case regarding the involvement of the accused-appellants in using derogatory words against the victim. The injured sustained grievous injuries. The injury report corroborates the statement of the injured as well as the averments made in the F.I.R. At the stage of taking cognizance/summoning, the Court is not required to

meticulously examine the evidence or conduct a mini-trial. The Court is only required to ascertain whether a prima facie case is made out against the accused. From perusal of the record, it further appears that non-bailable warrants had earlier been issued against the accused-appellants, which indicates their non-cooperation with the trial proceedings.

10. In view of the aforesaid facts and circumstances, no ground for interference is made out.

11. Hence, this criminal appeal is **dismissed.**

12. In the light of earlier order dated 01.10.2026, the learned Amicus Curiae Sri Abhay Goswami shall be paid Rs.10,000/- for providing valuable assistance to the Court from the fund of State Legal Services Authority.

October 7, 2026
Asha

(Santosh Rai,J.)

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