

UPET010059562025



**In The Court of Additional District and Sessions Judge /Special Judge
[Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act] Etah**

Present: Ashok Kumar XIII, H.J.S. J.O. Code – UP2392

Criminal Revision No. 341 of 2025.

Veenesh Kumar, aged 33 years, son of Shri Vijay Singh, resident of Sector 04
Kailash Ganj, Etah, Police Station Kotwali Nagar, District Etah.

..... Revisionist

Versus

1. Madhuri, aged 25 years, daughter of Shri Maharaj Singh, resident of Nagla
Shyam, Police Station Mirhachi, District Etah.
2. State of U.P. through District Government Counsel (Criminal).

..... Respondents

Judgement

1. The present criminal revision petition has been instituted before this Court invoking the revisional jurisdiction under Section 438 BNSS. The revisionist, Veenesh Kumar, seeks to assail the legality, propriety, and correctness of the summoning order dated 12.08.2025. The impugned order was promulgated by the learned Civil Judge (C.D.) Court No. 20, Etah, in Complaint Case No. 22380 of 2023, styled as "Madhuri vs. Veenesh". By virtue of the aforementioned order, the learned Trial Court found sufficient prima facie material to summon the present revisionist to face trial for the offence punishable under Section 498A of the Indian Penal Code, 1860.
2. To adjudicate upon the present revision petition with the requisite judicial exactitude, it is imperative to meticulously delineate the factual matrix as it emanates from the foundational complaint lodged by Respondent No. 1, Smt. Madhuri. The proceedings before the learned Magistrate were initiated upon a complaint detailing a narrative of matrimonial discord and alleged cruelty. The complainant averred that her marriage to the revisionist, Veenesh Kumar, was solemnized on 24.11.2019 in accordance with Hindu rites and rituals. It was

categorically asserted that her father had expended an amount of approximately ten lakh rupees to facilitate the matrimonial alliance, which included the provision of customary gifts and household articles. The narrative articulated in the complaint further posited that subsequent to the solemnization of the marriage and the complainant's arrival at her matrimonial home, an initial period of tranquility was soon eclipsed by avaricious demands. The complainant alleged that her in-laws, explicitly naming her husband Veenesh Kumar, father-in-law Vijay Singh, mother-in-law Mithlesh Devi, brother-in-law Hradesh Kumar, and sisters-in-law Deepika and Sushmita, commenced an unrelenting campaign of harassment predicated upon an additional demand for a motor car as dowry. The complainant purportedly attempted to reason with her matrimonial family, expressing her father's financial incapacity to satiate such exorbitant post-marital demands, but such entreaties allegedly fell on deaf ears.

3. The gravamen of the complaint escalated with allegations of physical cruelty. The complainant asserted that the aforementioned individuals, driven by their unfulfilled dowry demands, resorted to physically assaulting and tormenting her. Despite interventions and mediatory efforts undertaken by the complainant's father, family members, and relatives, the accused persons purportedly remained intransigent, displaying a greedy and cruel disposition. A profoundly disturbing dimension was added to the complaint with the assertion that the complainant subsequently discovered that the revisionist had previously been married and had allegedly murdered his first wife, instilling a profound apprehension in the complainant that she was slated to suffer a similar fate.
4. The culmination of this alleged continuous harassment, as portrayed in the complaint, occurred on 09.05.2022. On this stipulated date, the accused persons allegedly assaulted the complainant, forcibly divested her of all her 'stridhan' (matrimonial property/jewelry), and abandoned her near her parental village, leaving her solely with the apparel she was wearing at the time. The complainant claimed that this incident of abandonment was witnessed by the residents of her village. Consequently, the complainant was compelled to take refuge in her maternal home, where she has been residing continuously since that incident.
5. In her pursuit of legal recourse, the complainant stated that she initially approached the Mirhachi Police Station, but her grievances failed to elicit any administrative or investigative response. Subsequently, she escalated the matter by personally submitting a written representation to the Senior Superintendent of Police, Etah,

and also dispatched the same via registered post; however, these administrative channels proved equally unavailing. Confronted with this institutional apathy, she was constrained to invoke the jurisdiction of the judicial magistrate by filing the underlying private complaint.

6. To substantiate her allegations at the pre-summoning stage, the complainant recorded her statement under Section 200 of the Code of Criminal Procedure. During this solemn deposition, she reiterated the core tenets of her complaint, confirming the date of marriage, the expenditure of ten lakh rupees, the subsequent demand for a vehicle, and the concerted harassment by her husband and specified in-laws. She reaffirmed the revelation regarding her husband's alleged culpability in the demise of his previous wife, which she learned post-marriage. She also deposed to the specific incident of 09.05.2022, wherein she was physically assaulted and discarded at her village. She explicitly articulated her profound fear for her life and her categorical refusal to cohabit with the revisionist under such perilous circumstances.
7. The evidentiary foundation laid by the complainant was further buttressed by the testimonies of two witnesses examined under Section 202 of the Code of Criminal Procedure. Witness PW-1, Maharaj Singh, and witness PW-2, Tikaram, stepped into the witness box and unequivocally corroborated the narrative delineated by the complainant in her substantive deposition. In addition to the oral testimonies, the complainant also brought documentary evidence onto the judicial record, bringing forth her sworn affidavit and a photocopy of her Aadhaar card to establish identity and domicile.
8. The learned Magistrate, having meticulously perused the complaint, the statement of the complainant under Section 200 Cr.P.C., and the testimonies of the witnesses under Section 202 Cr.P.C., proceeded to evaluate the material on record to ascertain the existence of sufficient grounds to proceed. The Trial Court engaged in a discerning judicial exercise, noting that the complainant had levied broad, overarching allegations not merely against her husband but encompassing the entirety of the matrimonial household. Displaying commendable judicial prudence and relying upon the binding jurisprudence enunciated by the Hon'ble Supreme Court in the case of **Geeta Mehrotra & Anr. Vs. State of U.P. & Anr. (AIR 2013 SC 181)**, the Ld. Trial Court deduced that summoning all the relatives of the husband on the basis of general allegations would tantamount to an abuse of the judicial process.

9. Consequently, while the Trial Court judiciously shielded the extended family members from the rigors of a criminal trial at this nascent stage, it concurrently determined that, based on a holistic assessment of the facts, circumstances, and the evidence adduced under Sections 200 and 202 Cr.P.C., a robust prima facie case was unmistakably established against the husband. Thus, the learned Trial Court, via the impugned order dated 12.08.2025, directed the issuance of summons exclusively against the revisionist, Veenesh Kumar, to face trial for the offence under Section 498A of the Indian Penal Code, fixing the date for his appearance as 26.09.2025.
10. Aggrieved by this judicial determination, the revisionist has approached this Court, mounting a comprehensive challenge against the summoning order. The revisionist, through the meticulously drafted grounds of revision, contends that the impugned order dated 12.08.2025 is fundamentally antithetical to established legal principles and is entirely divorced from the factual realities of the case. It is emphatically asserted that the subordinate court has committed gross illegalities and profound irregularities in passing the said order. The revisionist characterizes the summoning order as a product of mere conjectures and surmises, lacking any substantive foundation in law or fact.
11. The revisionist vehemently repudiates the very occurrence of the alleged incidents detailed in the complaint, terming the entire narrative a complete fabrication. To counter the complainant's timeline, the revisionist introduces an alternative factual paradigm. He asserts that the complainant's claim of being beaten and abandoned in her wearing apparel on 09.05.2022 is a blatant falsehood. According to the revisionist's averments, the true sequence of events reveals that on 29.11.2020, the complainant willingly departed from her matrimonial home in the company of her father, deliberately taking all her jewelry and valuables with her. Further building upon his defense, the revisionist details his purported efforts to salvage the matrimony. He submits that he visited the complainant on 06.12.2020 with the intention of bringing her back, but she flatly refused to accompany him. He claims he made a subsequent attempt on 09.01.2021, accompanied by his family members and relatives, to amicably resolve the situation. However, this endeavor allegedly resulted in the revisionist and his entourage being physically assaulted and deeply humiliated by the complainant's side. The revisionist asserts that the situation escalated to such a volatile extent that he was compelled to dial emergency

services at number 112 to summon police protection, enabling him to safely escape and return to his residence.

12. The revisionist attempts to contextualize the present complaint as a retaliatory measure by highlighting pre-existing litigation. He points out that, motivated by a desire to restore cohabitation, he had instituted an original suit under Section 9 of the Hindu Marriage Act for Restitution of Conjugal Rights (Suit No. 25 of 2021, titled Veenesh Kumar vs. Smt. Madhuri) before the Family Court on 19.01.2021. In those proceedings, the complainant allegedly entered her appearance through her counsel, Shri Bhupendra Pal, on 04.05.2022. Moreover, the revisionist draws the attention of this Court to a criminal complaint he had previously filed before the Chief Judicial Magistrate, Etah (Complaint No. 15581 of 2023, titled Veenesh Kumar vs. Madhuri etc.), under Sections 406, 504, and 506 of the IPC on 19.07.2023. He submits that during the course of that litigation, the matter was referred to mediation. It is his core contention that the complainant appeared during the mediation proceedings and, acting out of deep-seated malice and a vindictive spirit, subsequently orchestrated the filing of the present fabricated complaint on 11.10.2023 purely as a counterblast. Finally, the revisionist assails the impugned order on technical grounds, arguing that it fails to qualify as a "speaking order" and is therefore unsustainable in the eyes of the law, praying for its absolute quashing and setting aside.
13. In strident opposition to the revision petition, Respondent No. 1 (complainant) has placed a robust reply on record, fervently defending the legality of the Trial Court's summoning order. The respondent categorically asserts that the revision petition is misconceived, entirely erroneous, and instituted in a manner contrary to the established procedure of law. A poignant point raised by the respondent is that while the evidence adduced before the Trial Court was sufficiently compelling to warrant the summoning of all the accused individuals named in the complaint, the learned Magistrate exercised immense restraint and only summoned the revisionist. This, the respondent implies, demonstrates the Magistrate's careful application of judicial mind rather than any arbitrariness.
14. The respondent strongly relies upon the evidentiary weight of the pre-summoning proceedings. It is emphasized that the complainant, during her deposition under Section 200 Cr.P.C., stood firm on the averments made in her written complaint, fully supporting the narrative of the continuous harassment and the specific incident of cruelty. The respondent reiterates the specifics of her testimony: the

marriage on 24.11.2019, the significant expenditure of ten lakh rupees, the persistent demands for a vehicle by Veenesh, and the unrelenting torture inflicted by the husband, parents-in-law, brother-in-law, and sisters-in-law for additional dowry.

15. The respondent's reply underscores the gravity of the psychological trauma inflicted upon her by the post-marital revelation regarding the revisionist's alleged involvement in the unnatural demise of his first wife. The respondent steadfastly defends her timeline, reaffirming that the violent expulsion from her matrimonial home occurred on 09.05.2022, a fact that was not only deposed to by her but was also independently corroborated by the credible testimonies of witnesses PW-1 and PW-2. On this bedrock of consistent evidence, the respondent argues that a formidable case is made out against all the persons named in the complaint.
16. Addressing the revisionist's reliance on cross-litigation, the respondent provides a vital piece of context regarding Complaint Case No. 15581 of 2023 filed by the husband. The respondent brings to the Court's notice that the said proceeding, which relied solely on interested testimonies from the revisionist's own household, has already been subjected to judicial scrutiny and subsequently stayed by the Hon'ble High Court at Allahabad. This severely undercuts the revisionist's attempt to use that case as a shield in the present proceedings. The respondent further portrays the revisionist as an individual possessing a criminal disposition who is actively engaging in an ongoing campaign of intimidation. It is alleged that the revisionist purposefully harasses the complainant, routinely issues threats, and goes to the extent of obstructing her path when she attends court hearings. The respondent asserts that the sole underlying objective of filing this revision petition is to perpetuate this cycle of harassment and mental agony. Ultimately, the respondent concludes that her complaint was grounded in unvarnished truth, the Trial Court demonstrated leniency by summoning only the husband, and the present revision, being entirely based on distorted facts and falsehoods, warrants outright dismissal.
17. Having exhaustively summarized the pleadings, the factual backdrop, the impugned judicial reasoning, and the diametrically opposed arguments advanced by the learned counsels for the respective parties, this Court finds that the adjudication of the present criminal revision pivots upon the resolution of the following distinctly formulated points for determination:

- (i) Whether the learned Trial Court committed any jurisdictional error, illegality, or material irregularity in finding the existence of a prima facie case against the revisionist for the offence under Section 498A of the Indian Penal Code?
 - (ii) Whether the impugned summoning order dated 12.08.2025 suffers from the vice of non-application of judicial mind or can be characterized as a non-speaking order?
 - (iii) Whether the alternative factual matrix and the defenses raised by the revisionist such as the existence of civil litigation, cross-complaints, and differing dates of separation, can be legally entertained and evaluated by a Revisional Court to interdict a summoning order under Section 204 of the Code of Criminal Procedure?
18. It is a fundamental tenet of procedural law that the jurisdiction vested in a Sessions Court under Section 397 of the Code of Criminal Procedure is circumscribed and supervisory in nature. The primary objective is to evaluate the correctness, legality, or propriety of any finding, sentence, or order, and the regularity of the proceedings of the subordinate court. This Court is not tasked with reappreciating the evidence as an appellate forum but rather to correct manifest errors of law or perverse findings that strike at the root of justice.
19. The scope and ambit of this revisional power have been elegantly expounded by the Hon'ble Supreme Court of India in the landmark judgment of **Rajendra Rajoriya v. Jagat Narain Thapak And Another (2018 SCC ONLINE SC 159)**. In this authoritative pronouncement, the Apex Court held:

"12. A perusal of the aforesaid provisions portray that the revisionary power is exercised either by the Sessions Court or by the High Court and a dismissal of the complaint by the Magistrate under Section 203 CrPC may be assailed in a criminal revision under Section 397 CrPC. The ambit of revisional jurisdiction is well settled. Section 397 CrPC empowers the Sessions Judge to call for and examine the record of any proceeding before any subordinate criminal court situate within its jurisdiction for the purpose of satisfying itself as to the correctness, legality or propriety of any finding, sentence or order recorded or passed, and as to the regularity of any proceedings of such subordinate court. 13. The extent of the revisionary powers,

inter alia, is provided under Section 399 read with Section 401 CrPC. It is clear from the aforesaid provisions that Section 398 has to be read along with other sections which are equally applicable to the revision petitions filed before the Sessions Court. Section 398 only deals with a distinct power to direct further inquiry, whereas Section 397 read with Section 399 and Section 401 confers power on the revisionary authority to examine correctness, legality or propriety of any findings, sentence or order. The powers of the revisionary court have to be cumulatively understood in consonance with Sections 398, 399 and 401 CrPC."

20. Guided by the principles laid down in Rajendra Rajoriya, this Court must strictly confine its inquiry to ascertaining whether the Trial Court's order dated 12.08.2025 suffers from any inherent illegality or gross impropriety. This necessarily brings us to the legal standards governing the issuance of process under Section 204 of the Code of Criminal Procedure. The stage of summoning is a nascent threshold in criminal jurisprudence. At this juncture, the Magistrate functions not as a trial judge seeking proof beyond a reasonable doubt, but merely as a judicial filter determining whether there is "sufficient ground for proceeding."
21. The exact parameters of judicial scrutiny at the stage of Section 204 Cr.P.C. have been definitively crystallized by the Hon'ble Supreme Court in the seminal case of **State Of Gujarat v. Afroz Mohammed Hasanfatta (2019 INSC 146; 2019 SCC ONLINE SC 132)**. The Apex Court unambiguously instructed:

"For issuance of process against the accused, it has to be seen only whether there is sufficient ground for proceeding against the accused. At the stage of issuance of process, the Court is not required to weigh the evidentiary value of the materials on record. The Court must apply its mind to the allegations in the charge sheet and the evidence produced and satisfy itself that there is sufficient ground to proceed against the accused. The Court is not to examine the merits and demerits of the case and not to determine the adequacy of the evidence for holding the accused guilty. The Court is also not required to embark upon the possible defences. Likewise, 'possible defences' need not be taken into consideration at the time of issuing process unless there is an ex- facie defence such as a legal bar or if in law the accused is not liable."

22. Applying the legal framework established by Afroz Mohammed Hasanfatta to the facts at hand, the fragility of the revisionist's primary arguments becomes glaringly apparent. The core of the revisionist's challenge rests on presenting an alternative version of events—asserting that the wife left on 29.11.2020 and not 09.05.2022, detailing his attempts to bring her back, highlighting the physical altercation necessitating a call to 112, and arguing that the present complaint is a malicious counterblast to his earlier suit for restitution of conjugal rights and his subsequent criminal complaint.
23. In the eyes of the law, every single one of these assertions advanced by the revisionist constitutes his 'possible defence'. As unequivocally stated by the Supreme Court in Afroz Mohammed Hasanfatta, the Trial Court is expressly forbidden from embarking upon an examination of possible defenses at the time of issuing process. The Magistrate is statutorily mandated to look exclusively at the material presented by the complainant. The revisionist's attempt to introduce his defense documents—be it the pleadings of the Family Court or the records of his own complaint case—is legally premature and entirely impermissible at the summoning stage. The veracity of the complainant's timeline versus the revisionist's timeline is a disputed question of fact, a matter strictly reserved for trial where evidence can be adduced, cross-examined, and comprehensively evaluated.
24. Furthermore, the argument that the impugned order is a non-speaking order demonstrating a lack of judicial mind is belied by the record itself. A bare perusal of the order dated 12.08.2025 reveals that the learned Magistrate meticulously recorded the averments made in the complaint, specifically noted the statements recorded under Section 200 and 202 Cr.P.C., and recognized the specific roles attributed to the individuals. The most compelling evidence of the Magistrate's active application of judicial mind lies in the invocation of the Supreme Court's mandate in Geeta Mehrotra & Anr. Vs. State of U.P. & Anr.
25. By relying on Geeta Mehrotra, the Magistrate astutely recognized the prevalent societal tendency to indiscriminately rope in the entire extended family of the husband in matrimonial disputes. The Magistrate critically evaluated the evidence, segregated the general allegations against the in-laws from the specific, proximate allegations against the husband, and deliberately chose to drop the proceedings against the parents-in-law, brother-in-law, and sisters-in-law at the very threshold. This calculated exclusion is the hallmark of a reasoned, speaking order and

unequivocally demolishes any assertion that the Ld. Magistrate acted mechanically or as a mere post office. The Magistrate found that the allegations regarding the demand for a vehicle, the physical cruelty, and the abandonment were sufficiently targeted at the husband to warrant a trial against him alone.

26. The existence of cross-cases or civil litigation does not automatically extinguish the criminal liability arising from independent acts of cruelty under Section 498A IPC, provided a prima facie case is made out on the face of the complaint and preliminary evidence. The complainant, through her Section 200 Cr.P.C. statement, and through the corroborating testimonies of PW-1 and PW-2 under Section 202 Cr.P.C., has clearly deposed to the specific ingredients of Section 498A IPC—namely, the marriage, the unlawful demand for property (a car), and harassment amounting to cruelty designed to coerce the fulfillment of that demand. The evidentiary threshold required under Section 204 Cr.P.C., which is merely the establishment of "sufficient ground to proceed," has been comfortably met and surpassed by the complainant in the Trial Court.
27. In light of the overarching judicial principles restricting the scope of revisional interference, and observing that the learned Magistrate has strictly adhered to the procedural requirements of law while exhibiting commendable judicial restraint in limiting the summons only to the principal accused, this Court finds absolutely no jurisdictional error, illegality, perversity, or procedural irregularity in the impugned order dated 12.08.2025. The Trial Court has not committed any error that requires rectification by this Revisional Court. The grounds urged by the revisionist are entirely devoid of legal merit, premature, and belong exclusively to the domain of trial.
28. Consequently, based on the analysis of the facts on record and the binding precedents of the Hon'ble Supreme Court, this Court concludes that the Criminal Revision Petition is destitute of substance and must fail. The impugned summoning order is legally sound, perfectly reasoned, and warrants no interference whatsoever.

Order

The Criminal Revision Petition No. 341 of 2025 filed by the revisionist Veenesh Kumar is hereby dismissed on merits. The impugned summoning order dated 12.08.2025 passed by the learned Civil Judge (C.D.) Court No. 20, Etah in Complaint Case No. 22380 of 2023 is upheld and confirmed in its entirety.

The Trial Court is directed to proceed with the matter in accordance with the law expeditiously. A copy of this judgment along with the lower court record, if requisitioned, be transmitted back to the Trial Court immediately for necessary compliance and further proceedings.

Date: 13.03.2026

(Ashok Kumar XIII)
Special Judge [SC/ST (PA) Act]
Etah