

UPET010083702025

**IN THE COURT OF THE A.S.J., COURT NO. 1, ETAH****Present: Manisha – 'H.J.S.' (J.O. CODE UP6137)****Criminal Revision No.- 442 OF 2025**

Suman, aged about 32 years, Daughter of Sughar Singh, Resident of Gram Lalupur, Thana Kotwali, District Mainpuri. Presently residing at Gram Nagla Jhabra, Thana Bagwala, District Etah

.....Revisionist

VERSUS

- 1) State of Uttar Pradesh, through District Government Counsel (Criminal).
- 2) Jitendra Kumar, aged about 35 years, Husband of Revisionist, Son of Nathuram.
- 3) Nathuram, aged about 55 years S/o Unknown, (Father-in-law).
- 4) Makhan Devi, aged about 53 years, Wife of Nathuram, (Mother-in-law)
- 5) Prashant, aged about 30 years, Son of Nathuram, (Brother-in-law)
- 6) Vinita, aged about 25 years, Daughter of Nathuram, (Sister-in-law)
- 7) Rajni, aged about 20 years, Daughter of Nathuram, (Sister-in-law)

All Opposite Parties No. 2 to 7 are residents of Gram Mathiya, Post Khadaua, Thana Bagwala, District Etah.

..... Opposite Parties

J U D G M E N T

1. This criminal revision petition has been preferred under the provisions of Section 438 of the Bhartiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as "BNSS"), challenging the legality, correctness, and propriety of the impugned order dated 28.11.2025. The said order was passed by the Ld. Additional Chief Judicial Magistrate / Fast Track Court, Etah, in Complaint Case No. 911 of 2025, titled "Suman vs.

Additional Sessions Judge, Court No.-1, Etah

Jitendra & others". Vide the impugned order, the Ld. Trial Court dismissed the complaint filed by the Revisionist under Section 226 of the BNSS. The core prayer of the Revisionist before this Revisional Court is to set aside the aforementioned impugned order dated 28.11.2025 and to direct the Ld. Trial Court to summon the accused persons to face trial for the alleged offences.

2. The factual matrix leading to the present revision petition, as extracted from the record and the complaint, is that the marriage of the Revisionist, Suman, was solemnized with Opposite Party No. 2, Jitendra Kumar, on 11.06.2022, in accordance with Hindu rites and rituals. It is alleged by the Revisionist that her father had spent heavily according to his capacity, providing household goods, gold jewelry, and a cash amount of Rs. 8,000,00/- (Rupees Eight Lakhs) as dowry at the time of the wedding. The Revisionist further alleged that shortly after the marriage, her husband and his family members (Opposite Parties No. 3 to 7) began harassing and torturing her, demanding an additional dowry of Rs. 5,000,00/- (Rupees Five Lakhs) from her maternal home. The Revisionist averred that when her father expressed his inability to meet this additional demand due to the debts incurred during the wedding, the cruelty escalated. It is the specific case of the Revisionist that on 30.10.2024, the Opposite Parties collectively beat her, snatched all her *stridhan* (personal property and jewelry), and abandoned her on the road in merely the clothes she was wearing, leaving her at her brother-in-law's village, Nagla Jhabra, Thana Bagwala, District Etah. She claims to have been residing there since that date.
3. Following the alleged inaction by the local police and higher authorities regarding a registered complaint sent via post on 03.04.2025, the Revisionist approached the Ld. Trial Court by moving an application under Section 173(4) of the BNSS on 05.03.2025, which was subsequently registered and treated as a complaint case by the Ld. Trial Court. During the preliminary inquiry, the statement of the complainant/Revisionist was recorded under Section 223 of the BNSS, wherein she reiterated the allegations of dowry demand, cruelty, and the incident of 30.10.2024. Further, the statements of her witnesses, namely PW-1 Kunwarpal and PW-2 Sughar Singh, were recorded under Section 225 of the BNSS.

4. The Ld. Trial Court, after scrutinizing the complaint, the statements recorded under Sections 223 and 225 of the BNSS, and the documentary objections filed by the Opposite Parties, passed the impugned order dated 28.11.2025 dismissing the complaint under Section 226 of the BNSS. The Ld. Trial Court reasoned that the allegations leveled by the Revisionist were general and omnibus in nature, encompassing the entire family of the husband without attributing specific, distinct roles regarding the demand for dowry or the commission of physical cruelty. The Trial Court found it highly improbable and unnatural that every member of the household would participate with equal intensity and common object in the alleged harassment. Furthermore, the Ld. Trial Court observed a conspicuous absence of any medical evidence or injury report to substantiate the grave allegations of collective physical assault on 30.10.2024. The Court also analyzed the testimonies of PW-1 and PW-2, noting that they failed to clarify whether the alleged assault occurred in their presence, or if it occurred in their absence, what the source of their knowledge was, thereby rendering their testimonies inherently weak and unreliable at the threshold stage. Crucially, the Ld. Trial Court noted a deliberate suppression of material facts by the Revisionist, who had concealed the pendency of a prior Complaint Case No. 206/2024 (also referred to as 206/2023 in the record) filed before the Chief Judicial Magistrate, Mainpuri, under Sections 498A, 323, 504, 506 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act against the very same accused persons. Relying on the jurisprudential mandate laid down by the Hon'ble Supreme Court in *Pepsi Foods Ltd. vs. Special Judicial Magistrate*, which states that summoning an accused is a serious matter and criminal law cannot be set into motion as a matter of course, the Ld. Trial Court concluded that there was no sufficient ground to proceed and dismissed the complaint.
5. Aggrieved by this dismissal, the Revisionist has enumerated several grounds of revision to challenge the impugned order. The Revisionist contends that the Ld. Trial Court passed the order dated 28.11.2025 mechanically and without the proper application of judicial mind. It is argued that the Ld. Trial Court committed a grave error of law by meticulously evaluating and weighing the evidence at the pre-summoning stage, which is impermissible under the established principles of criminal jurisprudence. The Revisionist submits that the statements recorded under Sections 223 and 225 of the BNSS clearly

established a prima facie case against all the Opposite Parties, and the Ld. Trial Court ignored the mandatory provisions of law by refusing to issue process. Furthermore, the Revisionist argues that the Ld. Trial Court failed to appreciate the gravity of the fact that she was mercilessly beaten and thrown out of her matrimonial home with only the clothes on her back, merely for failing to fulfill an unlawful demand for additional dowry. The Revisionist prays that the impugned order, being unreasoned and contrary to law, is liable to be set aside.

6. Per contra, the Ld. Counsel representing the Opposite Parties has vehemently opposed the revision petition, filing detailed written arguments defending the correctness and legality of the Ld. Trial Court's order. The Opposite Parties contend that the marriage on 11.06.2022 was solemnized by mutual consent without any exchange of dowry. They assert that the Revisionist resided at her matrimonial home for merely a week before voluntarily leaving with all her jewelry and belongings. When OP No. 2 (the husband) attempted to bring her back without success, he instituted a petition under Section 9 of the Hindu Marriage Act before the Family Court, which was ultimately decreed ex-parte against the Revisionist. The Opposite Parties heavily rely on the fact that the Revisionist has initiated a barrage of vexatious litigations in District Mainpuri, including proceedings for maintenance under Section 125 Cr.P.C., under the Domestic Violence Act, and significantly, Complaint Case No. 206/2023 under Section 498A IPC and DP Act. The Opposite Parties have brought on record the summoning order dated 17.07.2023 from the Ld. Additional Civil Judge (Junior Division) Court No.-1, Mainpuri in CC No. 206/2023, which demonstrates that based on the same matrimonial dispute, the Mainpuri Court found a prima facie case only against the husband (Jitendra Kumar) and explicitly declined to summon the other family members, relying on the Hon'ble Supreme Court's ruling in *Geeta Mehrotra v. State of UP*. The Opposite Parties argue that the present complaint in Etah is a fabricated afterthought, altering the date of the alleged incident (claiming 30.10.2024 instead of the 30.10.2022 date cited in the Mainpuri complaint) solely to create fresh territorial jurisdiction and to subject the entire family to double jeopardy and prolonged harassment. Consequently, they argue the revision petition should be dismissed with heavy compensatory costs.
7. Having heard the Ld. Counsel for the Revisionist, the Ld. DGC (Criminal) for the State, and having meticulously perused the impugned order, the

revision petition, the written arguments, and the trial court record, the following paramount issues arise for the determination of this Revisional Court:

- Whether the Ld. Trial Court erred in law by evaluating the evidence and dismissing the complaint under Section 226 of the BNSS on the grounds of omnibus allegations, lack of medical evidence, and unreliability of the witnesses?
 - Whether the concealment of prior criminal proceedings (Complaint Case No. 206/2023 in Mainpuri) by the Revisionist constitutes a suppression of material facts amounting to an abuse of the process of law, thereby justifying the dismissal of the present complaint?
 - Whether the impugned order dated 28.11.2025 suffers from any illegality, perversity, or jurisdictional error warranting interference by this Court in the exercise of its revisional jurisdiction?
8. The primary grievance of the Revisionist is that the Ld. Trial Court conducted a mini-trial at the stage of issuing process. Under the framework of the BNSS, specifically Section 226 (which corresponds to Section 203 of the Cr.P.C., 1973), a Magistrate is empowered to dismiss a complaint if, after considering the statements on oath of the complainant and the witnesses, and the result of the inquiry, there is "no sufficient ground for proceeding." The jurisprudence regarding the issuance of process is well-settled. At the stage of issuing the process to the accused, the Magistrate is not required to record exhaustive reasons for summoning, as the focus is merely on whether there is sufficient ground for proceeding and not whether the evidence is adequate for supporting a conviction. However, the legislature has stressed the need to record reasons in certain situations, such as the dismissal of a complaint without issuing process. A reading of the provisions makes the position clear that the inquiry referred to therein is of a limited nature, specifically for helping the Magistrate to decide whether or not there is sufficient ground to proceed further.
9. The concept of "sufficient ground" implies that the Magistrate must apply their judicial mind to the facts alleged. A Magistrate is not a mere post office bound to issue process the moment a complaint is filed. In

the present case, the Ld. Trial Court recorded clear and cogent reasons for dismissal. The Court noted that the Revisionist implicated the husband, the elderly father-in-law, the mother-in-law, the brother-in-law, and two sisters-in-law with sweeping, generic, and omnibus allegations of demanding Rs. 5 Lakhs. It is a well-recognized legal principle, notably affirmed in *Geeta Mehrotra vs. State of U.P.*, that in matrimonial disputes, there is a rampant tendency to rope in all relatives of the husband with blanket allegations. The Ld. Trial Court correctly observed that without the attribution of specific, distinct roles, it defies common human probability that an entire household would act with the exact same synchronized intent and overt acts to physically torture the complainant daily.

10. Furthermore, the allegation that the Revisionist was severely beaten by six individuals simultaneously on 30.10.2024 inherently demands some degree of objective corroboration to cross the threshold of "sufficient ground." The total absence of any medical evidence or injury report renders the allegation of brutal physical assault highly improbable. Additionally, the Ld. Trial Court rightly evaluated the intrinsic worth of the statements of PW-1 and PW-2. While the Evidence Act postulates that evidence of a witness cannot be discarded merely on the ground that he is a partisan or interested witness, the Ld. Trial Court did not discard their testimony merely due to their relationship with the Revisionist. Rather, the Court found a fundamental evidentiary deficit: the witnesses failed to state whether they actually witnessed the assault or, if they were merely repeating hearsay, what the source of their knowledge was. All hearsay statement is not inadmissible, but there is a profound distinction between proving the factum of a statement and proving the truth of the statement. Without foundational clarity, the testimonies failed to establish a prima facie case. Therefore, the Ld. Trial Court committed no error in determining that the omnibus allegations, stripped of specific details and corroborative substance, did not constitute "sufficient ground" to proceed. Issue No. 1 is accordingly decided against the Revisionist.
11. The next critical issue is the suppression of material facts by the Revisionist. The record reveals, through the documents supplied by the Opposite Parties, that the Revisionist had already set the criminal law into motion by filing Complaint Case No. 206/2023 before the Ld. ACJM Court No.-1, Mainpuri. A perusal of the summoning order dated

17.07.2023 from that court indicates that the Revisionist alleged an identical sequence of events regarding her marriage, the dowry given, the demand for a WagonR car (or Rs. 5 Lakhs), and physical torture. Strikingly, in the Mainpuri complaint, the date of the ultimate assault and expulsion from the matrimonial home was alleged to be 30.10.2022. In stark contrast, the present complaint filed in Etah alleges the exact same sequence but shifts the date of expulsion to 30.10.2024.

12. It is a fundamental tenet of law that a person approaching the court must come with clean hands. The deliberate non-disclosure of the pre-existing Mainpuri litigation in the Etah complaint is not a mere procedural lapse; it is a fatal suppression of material facts. It appears that because the Mainpuri Court, vide its order dated 17.07.2023, declined to summon the extended family members (OP No. 3 to 7) and summoned only the husband (OP No. 2) under Section 498A IPC and Section 4 of the DP Act, the Revisionist orchestrated a second complaint in a different territorial jurisdiction by fabricating a new date of the incident (30.10.2024) to circumvent the Mainpuri Court's judicial finding and to drag the entire family into litigation anew. The law strictly deprecates such multiplicity of proceedings. The Ld. Trial Court in Etah was absolutely justified in taking cognizance of this malicious concealment. The initiation of the present proceedings is a textbook abuse of the process of the court. As held by the Hon'ble Supreme Court in *Pepsi Foods Ltd. vs Special Judicial Magistrate*, "Summoning of an accused in a criminal case is a serious matter. Criminal law cannot be set into motion as a matter of course.". The Magistrate's order must reflect an application of mind to the facts and the law, which the Ld. Trial Court demonstrably did by identifying the vindictive nature of the second complaint. Thus, Issue No. 2 is decided firmly against the Revisionist.
13. Having established that the Ld. Trial Court acted lawfully and with due application of mind, this Court must now assess whether the impugned order warrants interference under its revisional jurisdiction. The scope of revisional jurisdiction under the BNSS (akin to Section 397 of the Cr.P.C.) is limited and supervisory in nature. The settled legal position is that revisional jurisdiction is to be exercised only in cases where lower Courts have ignored material evidence, have recorded perverse findings, or where the orders of the lower Courts suffer from patent illegality resulting in a miscarriage of justice. It is not permissible for

the Revisional Court to reappreciate the evidence as is done in appeal. The quality and content of the revisional jurisdiction cannot be equated with that of a Court hearing a criminal appeal.

14. Detailed discussion of merits or demerits of the case is not to be substituted by the Revisional Court when the Magistrate has exercised their discretion reasonably. In the instant case, the Ld. ACJM, Etah, has passed a remarkably comprehensive, well-reasoned, and legally sound order. The Magistrate meticulously analyzed the statements under Sections 223 and 225 of the BNSS, correctly identified the glaring lack of specific allegations against the relatives, noted the absence of corroborative medical evidence for a purportedly severe assault, and rightly penalized the suppression of the ongoing parallel litigation in Mainpuri. The impugned order dated 28.11.2025 does not suffer from any jurisdictional error, patent illegality, or perversity. On the contrary, setting aside this order would result in a grave miscarriage of justice against the Opposite Parties by subjecting them to vexatious, duplicate litigation. Therefore, no grounds exist for this Revisional Court to interfere with the impugned order. Issue No. 3 is answered in the negative.
15. Based on the cumulative analysis of the facts, the evidence on record, and the settled principles of law, this Court arrives at the inescapable conclusion that the Revision Petition is entirely devoid of merits. The Ld. Trial Court correctly relied upon the ratio of *Pepsi Foods Ltd. vs Special Judicial Magistrate* to emphasize the solemnity of the summoning process. Furthermore, the underlying principle from *Geeta Mehrotra v. State of UP* regarding the malicious implication of extended family members in matrimonial disputes was rightfully recognized and applied by the Trial Court. The suppression of the Mainpuri litigation (Complaint Case No. 206/2023) fundamentally destroys the credibility of the Revisionist's present complaint. The Magistrate's duty at the pre-summoning stage is to separate the grain from the chaff, ensuring that innocent persons are not subjected to the harrowing ordeal of a criminal trial based on fabricated, omnibus, and retaliatory allegations. The Ld. Trial Court has discharged this duty impeccably. Revisional jurisdiction, being highly circumscribed, cannot be invoked to breathe life into a complaint that is legally unmeritorious and fundamentally tainted by the suppression of material facts.

ORDER

In view of the detailed analysis and findings recorded above, the Criminal Revision Petition No. 442 of 2025 is hereby **rejected**.

The impugned order dated 28.11.2025 passed by the Ld. Additional Chief Judicial Magistrate / Fast Track Court, Etah, in Complaint Case No. 911/2025 (Suman vs. Jitendra & others) is hereby affirmed and the revision petition stands dismissed.

Send a copy of this order to the Ld. Trial Court forthwith for information and necessary compliance. The revision file be consigned to the Record Room after due compliance.

Date: 10.07.2026

(Manisha)
A.S.J., Court No. 1,
Etah

Judgment pronounced, signed and dated in open Court today.

Date: 10.07.2026

(Manisha)
A.S.J., Court No. 1,
Etah