



UPHR010074812025

In the Court of Sessions Judge, Hardoi

Present: Reeta Kaushik, H.J.S.

(J.O. Code: U.P. 5728)

Criminal Revision No. 310/2025

01. Omprakash Singh son of Raghuvveer Singh
 02. Kusuma Devi wife of Omprakash Singh
 03. Anjali Devi daughter of Omprakash Singh
- All R/o Vill. Katka Raman P.S. Mamaura District Bareli.

-----**Revisionists.**

Versus

01. State of U.P. through D.G.C. (Crl.) District Hardoi.
02. Anjali Singh daughter of Krishnapal Singh, present R/o Bakhariya, P.S. Pihani District Hardoi.

-----**Opposite parties.**

J U D G M E N T

1. This criminal revision u/s 438 B.N.S.S. has been preferred against summoning order dated 04.08.2025 passed by the Court of Civil Judge (S.D.)/F.T.C., Hardoi in Complaint Case No. 12336/2022, Smt. Anjali Singh v. Shivam Singh & Ors. By the impugned order, Shivam Singh has been summoned for trial of offense punishable u/s 323, 494 I.P.C. and the opposite parties/revisionists Omprakash Singh, Kusuma Devi and Anjali Singh have been summoned for trial of offense punishable u/s 323 I.P.C.
2. Briefly stated, the facts of the case are that complainant moved a complaint against revisionists and another with the allegations that she was married with the opposite party no. 1 Shivam Singh on 07.07.2019. The opposite party no. 1 to 4 had beaten the complainant on 22.09.2020 and thrown her out of the house in demand of dowry. In this regard, a report was lodged by the complainant in the police station. One week ago, the complainant came to know that the opposite party no. 1 and 5 had married illegally in which other opposite parties were also involved. It has been almost a year since the marriage and it also came to knowledge that after the marriage of the opposite party no. 1 and opposite party no. 5, a child was born about a month ago.

This was told to the complainant by Rajeev Singh and Haripal Singh, who go to Delhi to work as labourers. On hearing this, the complainant's brother Munna Singh called the opposite party no. 1. Then the opposite party no. 1 to 4 abused the complainant on the phone and said that he has got married for the second time, let's see what you will do, if you will complain, we will kill you. The complainant is still legal wife of the opposite party no. 1 with no legal divorce. The complainant informed the police station but no action has been taken. On 09.05.2022, the complainant gave application to S.P. Hardoi and also gave application by registered post to S.P. Hardoi but no action has been taken.

3. The statement of the complainant Anjali Singh was recorded u/s 200 Cr.P.C. and the statements of the witnesses P.W.1 Haripal Singh and P.W.2 Rajeev Kumar were recorded u/s 202 Cr.P.C. On the basis of evidence adduced before it, revisionists have been summoned for trial of offense punishable u/s 323 I.P.C.

4. Learned counsel for the revisionists submitted that the learned trial Court failed to conduct microscopic examination of the evidence available on record. By overlooking the material facts and acting in undue haste, the Court passed the summoning order against the revisionists. The complaint does not disclose any specific facts or allegations that would constitute the commission of an offense by the revisionists. The revisionists have been summoned u/s 323 I.P.C., but there is absolutely no evidence on record to support this charge. Notably, the witnesses examined u/s 202 Cr.P.C. did not mention any incident of assault or physical violence in their statements. In the statement recorded u/s 200 Cr.P.C., the complainant alleged that on 22.09.2020, she was assaulted and abandoned at her parental home. Regarding this specific incident, the complainant herself admitted in her statement that a report had already been lodged at the Women's Police Station. A case pertaining to the same allegation of dowry harassment is currently pending in the Court of Civil Judge (S.D.)/FTC (Crime against Women), Hardoi. Statements recorded u/s 200 and 202 of the Cr.P.C. fails to establish a prima facie case against the revisionists. Consequently, the summoning order is contrary to both law and facts. There is no incriminating evidence on record to prove that any offense was committed by them. Therefore, it is prayed that revision be allowed the summoning order dated 04.08.2025 passed by the learned trial Court be set aside.

5. On the other hand, learned D.G.C. (Crl.) for the State/the

opposite party no. 1 and learned counsel for the opposite party no. 2 submitted that there is no illegality or irregularity in the impugned order and the learned trial Court having applied its judicial mind properly has passed the impugned order. Revision lacks merit and deserves to be dismissed.

6. Heard learned counsel for both the parties and perused the record.

7. From the perusal of the record, it is found that revisionists have been summoned by the learned trial Court for trial of offense punishable u/s 323 I.P.C. The complainant, in her complaint, has mentioned that the opposite party no. 1 to 4 of the complaint i.e. revisionists and the opposite party no. 1 Shivam Singh had beaten her on 22.09.2020 and thrown her out of the house in demand of dowry. In this regard, a report was lodged by the complainant in the police station. In her statement u/s 200 Cr.P.C., the complainant has stated that she is living at her paternal house since 22.09.2020. Shivam, his father Omprakash, mother Kusuma Devi and sister Anjali had beaten her on 22.09.2020 and dropped her to her house. Thus, the alleged incident of assault by the revisionists is said to be of 22.09.2020. The complainant in her complaint herself has mentioned that regarding the incident of 22.09.2020, a report was lodged by her in the police station. The revisionists have mentioned in their revision that regarding the specific incident of 22.09.2020, the complainant has lodged report at the Women's Police Station. A case regarding the same allegation of dowry has made is currently pending in the Court of Civil Judge (S.D.)/FTC (Crime against Women), Hardoi. Only one incident of assault has been mentioned by the complainant in her complaint and statement u/s 200 Cr.P.C. and regarding this incident, report has already been lodged and as per the revisionists' version, case pending in the Court of Civil Judge (S.D.)/FTC (Crime against Women), Hardoi. A person cannot be tried twice for the same offense. Therefore, the order of the learned trial Court summoning the revisionists for trial of offense punishable u/s 323 I.P.C. has been passed without proper analysis of the facts and evidence available on record.

8. Thus, in view of the aforesaid facts and circumstances of the case, this Court is of the considered opinion that impugned summoning order dated 04.08.2025, passed by Civil Judge (S.D.)/F.T.C., Hardoi is not sustainable and is liable to be set aside.

ORDER

This criminal revision stands allowed. Impugned order dated 04.08.2025 is hereby set aside. The learned trial Court is directed to pass a fresh order in light of the observations made in this Judgment. Let the record of the learned trial Court be remitted back immediately along with a copy of this judgment. Parties are directed to appear before the learned Magistrate concerned on 05.05.2026 for further proceedings.

Dated: 13.04.2026

(Reeta Kaushik)
Sessions Judge,
Hardoi.

Judgment signed, dated and pronounced today, in the open Court.

Dated: 13.04.2026

(Reeta Kaushik)
Sessions Judge,
Hardoi.