



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 11139 of 2025

Afzal And 4 Others

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s) : Dharendra Kumar Srivastava, Mo
Maksud Alam, Noor Ahmed, Rajeev
Mishra

Counsel for Respondent(s) : G.A., Mohd. Akbar Shah Alam Khan

Court No. - 51

HON'BLE MADAN PAL SINGH, J.

1. Heard learned counsel for the parties and perused the material available on record.
2. The present criminal appeal under Section 14-A(1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been preferred to quash the impugned cognizance/summoning order dated 04.08.2025 passed by the Additional Sessions Judge/Special Judge, SC/ST Act, Shamli in S.C. No. 1091 of 2025 (State Vs. Afzal & Ors.) arising out of Case Crime No. 206 of 2025, under Section, 352, 351 (3) B.N.S. and Section 3 (2) (V) of SC/ST Act and Section 3/5(1) of Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, Police Station - Jhinhana, District-Shamli as well as entire criminal proceeding of the Charge Sheet No. 225 of 2025 dated 08.06.2025.
3. Learned counsel for the appellants submitted that the dispute between the parties is civil in nature. It is further submitted that the appellants filed a civil suit before the civil court, wherein, on 27.02.2025, the appellants obtained an interim injunction. When Opposite Party No. 2 came to know that the stay order had been passed in favour of the appellants, then after due consultation, the present FIR was lodged on false and fabricated grounds. In support of his contention, reliance has been placed on the judgments of the Hon'ble Supreme Court in **Hitesh Verma vs. State of Uttarakhand, (2020) 10 SCC 710**, and **Sohanvir @ Sohanvir Dhama vs. State of U.P., 2025 SCC Online SC 2730**.

4. Upon being inquired, learned AGA admitted that there is no eye witness in this case, and the case is based only on the statements of witnesses who are also party in the civil suit filed by the appellants before the civil court. From the statements of the witnesses, it is clear that all the witnesses are interested witnesses.

5. Matter requires consideration.

6. Learned counsel for the opposite parties prays for and is granted two weeks time to file counter affidavit. Rejoinder affidavit, if any, may be filed within one week thereafter.

7. List thereafter.

7. Till the next date of listing, further proceedings of the aforesaid case shall be kept in abeyance.

April 21, 2026
Akbar

(Madan Pal Singh,J.)