

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S).1300/2026
[Arising out of SLP (CrI.) No.4027/2026]

BABULAL YADAV & ANR.

APPELLANT(S)

VERSUS

STATE OF U.P & ANR.

RESPONDENT(S)

O R D E R

1. Leave granted.

2. This appeal arises from the order passed by the High Court of Judicature at Allahabad dated 08.10.2025 in an application filed by the appellants herein bearing no.11701/2025 by which the application preferred by the appellants seeking to challenge the order passed by the Trial Court declining to discharge the two appellants from Sessions Case No.726/2024 came to be rejected.

3. To put it briefly, the appellants are sought to be put to trial in the Court of the Additional District Judge F.T.C.-II in Sessions Case No.726/2024 arising out of Case Crime No.81/2023 registered with Chetganj Police Station, District Varanasi for the offence punishable under Sections 498A, 304B, 323 and 506 of the Indian Penal Code (for short, "the IPC"), respectively and Sections 3 and 4 of the Dowry Prohibition Act (for short, "the D.P. Act"), respectively.

4. We take notice of the fact that First Information Report came to be lodged by the father of the deceased against in all

seven accused persons. The FIR lodged by the father reads thus:-

*"12. First Information Contents:
To: Station Incharge, Police Station CHETGANJ, Varanasi, Sir, I request that the applicant Om Prakash Yadav, s/o late Mangru Yadav, r/o CK 65/423 Badi Pyari, Police Station Chowk, Varanasi. My daughter Muskan Yadav alias Neha Yadav was married on 06.12.2020 to Sameer Yadav alias Boo, son of late Raju Yadav, r/o C4/234 Sarai Govardhan, PS CHETGANJ, Varanasi. Sir, a few days after marriage, husband Sameer Yadav, uncle Babu Lai Yadav, Naresh Yadav and younger brother Pawan Yadav, aunt Rita Yadav, sister-in-law Neha Yadav and brother-in-law Govind Yadav are residents of Pandeypur Varanasi. Sir, the above-mentioned people used to harass my daughter every day by demanding cash as dowry and treating her like a servant. Sir, my son-in-law was addicted to alcohol and gambling. Every day after drinking alcohol, he used to come home and beat my daughter. We tried to make Sameer understand many times but the above-mentioned people used to threaten us that they will kill your daughter and marry someone else and after insulting us, they used to drive us out of their house. Sir, on the night of 13.08.2023 at about 1:30 am, I received a call from my daughter's in-laws that your daughter had hanged herself, but when we went to the spot, my daughter's body was found hanging from the fan in a suspicious condition. Sir, my daughter was murdered for dowry by the above-mentioned in-laws. Therefore, I request you to accept my application and kindly take appropriate action. Dated 14.08.2023 Applicant Signature Hindi readable Om Prakash Yadav 7905344340 Note: This was typed verbatim by me, Hon'ble Mr. Puneet Kumar Singh."*

5. The two appellants before us are accused nos.2 and 3, respectively in the FIR. The accused no.1 figuring in the FIR, namely, Sameer Yadav is the husband of the deceased. The other accused persons, i.e., accused nos.4, 5, 6 and 7 respectively, are family members of the husband.

6. The case put up by the prosecution is one of dowry death.

7. At the end of the investigation, the Investigating Officer thought fit to file chargesheet against four accused persons named in the FIR.

8. A closure report was filed insofar as the three lady accused are concerned.

9. It also appears that the appellants before us preferred a discharge application under Section 227 of the CrPC before the Trial Court. The said discharge application came to be rejected.

10. Being dissatisfied with the order passed by the Trial Court, they went before the High Court, invoking the Supervisory Jurisdiction under Article 227 of the Constitution of India. The High Court also declined to interfere in the matter.

11. In such circumstances, the appellants are here before us with the present appeal.

12. We heard Mr. Bhuwan Raj, the learned counsel appearing for the appellants and Mr. Garvesh Kabra, the learned counsel appearing for the State.

13. We take notice of the fact that both the appellants before us are brothers of the father-in-law of the deceased.

14. Having regard to the omnibus nature of allegations levelled in the FIR and also considering the overall materials on record, we are of the view that it will be a travesty of justice to put the two appellants before us to trial on the accusation of having committed offence of dowry death.

15. We fail to understand what has the two brothers of the

father-in-law of the deceased to do with the demand of dowry. At times, Court should look or rather read in between the lines insofar as the allegations are concerned. It appears that the entire family has been dragged into this matter.

16. In such circumstances referred to above, we allow this appeal. The impugned order passed by the High Court is set aside.

17. The accused appellants before us stand discharged from the Sessions Case No.726/2024 referred to above.

18. The trial shall now proceed against the other two accused, in accordance with law.

19. Pending application(s), if any, shall stand disposed of.

..... J
(J.B. PARDIWALA)

..... J
(K.V. VISWANATHAN)

NEW DELHI
11TH MARCH, 2026

ITEM NO.46

COURT NO.7

SECTION II

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s).4027/2026

[Arising out of impugned final judgment and order dated 08-10-2025 in MP No. 11701/2025 passed by the High Court of Judicature at Allahabad]

BABULAL YADAV & ANR.

Petitioner(s)

VERSUS

STATE OF U.P & ANR.

Respondent(s)

Date : 11-03-2026 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) : Mr. Bhuwan Raj, AOR

For Respondent(s) : Mr. Garvesh Kabra, AOR
Mr. Ankur Agnihotri, Adv.
Mr. Kanik N. Jindal, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.
2. The appeal is allowed in terms of the signed order which is placed on the file.
3. Pending application(s), if any, shall stand disposed of.

(HARPREET KAUR)
COURT MASTER (SH)

(POOJA SHARMA)
COURT MASTER (NSH)