



REPORTABLE

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. OF 2026
(ARISING OUT OF SLP (CRL.) NO. 5592 OF 2026)

**ANITA MAURYA AND
OTHERS**

... APPELLANT(S)

VERSUS

**STATE OF UTTAR PRADESH
AND ANOTHER**

... RESPONDENT(S)

J U D G M E N T

AUGUSTINE GEORGE MASI, J.

1. Leave granted.
2. The present appeal assails the judgment and order dated 21.01.2026 (“impugned order”) passed by the High Court of Judicature at Allahabad (“High Court”) in Application under

Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (“BNSS”) No. 756 of 2026, whereby the High Court declined to quash Complaint Case No. 909 of 2021 (Shankar Maurya v. Sunil Maurya and Others) and the summoning order dated 10.02.2025 passed therein by the Additional Chief Judicial Magistrate, First, Court No. 12, Jaunpur.

3. The appellants are eight in number, all belonging to one family and residents of Village Sohni, Police Station Kerakat, District Jaunpur, Uttar Pradesh. Appellants 1 to 3, namely Anita Maurya, Meera Maurya and Saroja Devi, are the women of the household, and Appellants 4 to 8 are Sunil Maurya, Rajesh Maurya, Ajay Maurya, Anil Maurya and Neeraj Maurya. Respondent No. 1 is the State of Uttar Pradesh, and Respondent No. 2, Shankar Maurya, is the complainant.
4. It is not in dispute that a land dispute has long subsisted between the two branches of the family. That the substratum of the dispute is

civil is borne out by the record as the respondent-complainant had himself earlier invoked the jurisdiction of the High Court by way of Public Interest Litigation No. 674 of 2021, which came to be disposed of on 28.07.2021 with a direction to the Sub-Divisional Magistrate, Kerakat, to decide his representation.

5. On 09.11.2020, the day of the incident that forms the subject matter of the present proceedings, Appellant No. 4, Sunil Maurya, lodged First Information Report No. 405 of 2020 ("FIR") at Police Station Kerakat against the respondent-complainant and three others under Sections 188, 323, 504, 506 and 342 of the Indian Penal Code, 1860 ("IPC"), alleging assault and wrongful confinement. The investigation culminated in chargesheet dated 30.11.2020 against those named, and the trial arising therefrom has since commenced.
6. It was thereafter, in the year 2021, that the respondent-complainant instituted Complaint

Case No. 909 of 2021 (“complaint”) in respect of the very same incident of 09.11.2020, levelling counter-allegations of assault and house-trespass against the entire appellant-family, including the three women. The complaint did not disclose the pre-existing FIR lodged by the appellants’ side on the day of the incident, or the charge-sheet dated 30.11.2020 that had followed upon it.

7. Vide order dated 10.02.2025, the Additional Chief Judicial Magistrate, First, Court No. 12, Jaunpur, after recording the statement of the complainant under Section 200 and the statements of two witnesses under Section 202 of the Code of Criminal Procedure, 1973 (“CrPC”), summoned the appellants to face trial. Appellants 4 to 8 were summoned under Sections 323, 354 and 452 IPC, and Appellants 1 to 3, the three women, under Sections 323 and 452 IPC.
8. The appellants’ Criminal Revision Application No. 191 of 2025 was dismissed on 26.11.2025

by the Additional Sessions Judge/F.T.C.S, 1st (Crimes Against Women), Jaunpur, who affirmed the summoning order.

9. The appellants then invoked the inherent jurisdiction of the High Court under Section 528 BNSS. By the impugned order dated 21.01.2026, the High Court declined to quash the complaint, the summoning order and the proceedings taking the view that it could not be said that no offence was made out, that the contentions urged related to disputed questions of fact which could not be adjudicated at that stage, and that the power to quash was to be exercised only where there was a failure of justice or an abuse of process. The High Court, however, granted liberty to the appellants to seek discharge at the appropriate stage, and issued consequential directions in regard to bail. Aggrieved, the appellants are before this court.
10. Learned counsel on behalf of the appellants submits that the complaint is, in truth, a

counterblast to the FIR lodged by the appellants' side on the very day of the incident and upon which a charge-sheet had already been filed and the trial had commenced. It is urged that the complaint, though founded on the same incident of 09.11.2020, came to be instituted only in the year 2021, and that no explanation was forthcoming for the intervening delay. It is further pointed out that the complaint had deliberately suppressed the antecedent FIR and the charge-sheet, a suppression which, according to the appellants, pointed to the want of bona fides.

11. He further submits that the dispute between the parties is, at its foundation, a civil dispute over land, in which the entire family, including the three women, has been arrayed as an instrument of harassment. The appellants contend that the summoning order had been passed mechanically and without the application of judicial mind, and that the continuation of the complaint in these circumstances is nothing but an abuse of the

process of the court, thereby praying for quashing of complaint and consequent criminal proceedings.

12. Learned counsel for the respondent-State and the respondent-complainant, on the other hand, submit that the statements recorded under Sections 200 and 202 of CrPC prima facie disclose the ingredients of the offences for which the appellants have been summoned. It is contended that the existence of a cross-version does not efface an otherwise triable case, and that the pendency of the appellants' own FIR is a matter of defence to be established at the trial and not a ground for quashing the complaint and the proceedings at the threshold.
13. It is further submitted that there are concurrent findings of the Magistrate, the Revisional Court and the High Court that a prima facie case is made out against the appellants, and that at the stage of summoning the Magistrate is not required to weigh or evaluate the evidence meticulously. On this basis it is contended that

the High Court had rightly declined to quash the complaint and that the appeal be dismissed.

14. We have heard learned counsel for the parties and perused the material on record. The question that falls for our consideration is whether the continuation of complaint against the appellants would amount to an abuse of the process of the court.
15. The inherent power preserved by Section 482 of CrPC, now Section 528 of BNSS, is exercisable to prevent the abuse of the process of any court and to secure the ends of justice. In ***State of Haryana v. Bhajan Lal***¹, this Court set out the illustrative categories in which the power may be exercised, the relevant paragraph is reproduced as follows:

“**102.** In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we have given the following

¹ 1992 Supp (1) SCC 335.

categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

16. The power is undoubtedly to be exercised sparingly, with circumspection, and never to throttle a legitimate prosecution or to conduct a mini trial at the threshold. These self-imposed restraints, however, do not require the court to shut its eyes to a proceeding that is a manifest abuse. Where mala fide or an oblique motive is alleged, the court is not confined to the four corners of the complaint. In ***Mahmood Ali v.***

State of U.P.², this Court held that in such a situation the court owes a duty to examine the complaint with care and a little more closely, and, where necessary, to read in between the lines.

17. The same principle was reiterated in **Mohammad Wajid v. State of U.P.**³, where it was observed:

“30. At this stage, we would like to observe something important. Whenever an accused comes before the Court invoking either the inherent powers under Section 482 of the Code of Criminal Procedure (CrPC) or extraordinary jurisdiction under Article 226 of the Constitution to get the FIR or the criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstances the Court owes a duty to look into the FIR with care and a little more closely. We say so because once the complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance, etc., then he would ensure that the FIR/complaint is very well drafted with all the necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, it will not be just enough for the Court to look

² (2023) 10 SCC 544

³ 2023 INSC 683

into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under Section 482 of the CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation. Take for instance the case on hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances the registration of multiple FIRs assumes importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged.”
(emphasis supplied)

18. It is equally settled that a dispute essentially civil in character is not to be permitted to be clothed as a criminal offence, and that the criminal process is not a substitute for the remedies available in law. In **G. Sagar Suri v. State of U.P.**⁴, this Court cautioned that before issuing process a criminal court must exercise

⁴ (2000) 2 SCC 636

a great deal of caution, and that it is for the court to see whether a matter essentially of a civil nature has been given the cloak of a criminal offence.

19. Delay in setting the criminal law in motion, when it is deliberate and unexplained, is a circumstance that may itself justify the quashing of the proceeding. In ***Kishan Singh (Dead) through Legal Representatives v. Gurpal Singh***⁵, this Court observed:

“22. In cases where there is a delay in lodging an FIR, the court has to look for a plausible explanation for such delay. In the absence of such an explanation, the delay may be fatal. The reason for quashing such proceedings may not be merely that the allegations were an afterthought or had given a coloured version of events. In such cases the court should carefully examine the facts before it for the reason that a frustrated litigant who failed to succeed before the civil court may initiate criminal proceedings just to harass the other side with mala fide intentions or the ulterior motive of wreaking vengeance on the other party. Chagrined and frustrated litigants should not be permitted to give vent to their frustrations by cheaply invoking the jurisdiction of the criminal court. The court proceedings ought not to be permitted to degenerate into a weapon of harassment and persecution. In such a case, where an FIR is

⁵ (2010) 8 SCC 775

lodged clearly with a view to spite the other party because of a private and personal grudge and to enmesh the other party in long and arduous criminal proceedings, the court may take a view that it amounts to an abuse of the process of law in the facts and circumstances of the case.”

20. This principle has been applied by this Court very recently in ***Nazibul Rahim Khan v. State of U.P.***⁶, where, this Court while setting aside an order of the same High Court, held that although civil and criminal remedies may co-exist upon the same cause of action, there ought not to be an unreasonable or inordinate gap between the institution of the two, the time-factor being an indicator of whether the criminal proceeding is genuine and bona fide or a mere pressure tactic, and that the complainant is obliged to satisfactorily explain the delay. This Court there expressly approved and applied ***Kishan Singh (supra)***.

21. A complaint that suppresses a pre-existing FIR lodged by the accused in respect of the same incident, and that is instituted after such report

⁶ 2026 INSC 619

has ripened into a charge-sheet, bears the hallmark of a retaliatory counterblast. In **Anukul Singh v. State of U.P.**⁷, this Court quashed the proceedings, holding that the plea that the case was a retaliatory counter-blast to the proceedings legitimately initiated by the accused carried substantial weight, that a proceeding so maliciously instituted with an ulterior motive falls within categories (1) and (7) of **Bhajan Lal (supra)**, and that the suppression of a material antecedent proceeding is itself indicative of the want of bona fides.

22. Turning to the facts in the case in hand, the chronology is not in dispute. The incident is that of 09.11.2020. On that very day the appellants' side lodged the FIR, and a charge-sheet followed on 30.11.2020, upon which the trial has commenced. The complaint of the respondent, founded on the identical incident, was instituted only in the year 2021, and no explanation has been offered for the intervening

⁷ 2025 INSC 1153

delay. Such deliberate and unexplained delay, set against a subsisting antecedent proceeding on the same facts, is precisely the circumstance which, in **Kishan Singh (supra)** and **Nazibul Rahim Khan (supra)**, was held to point to an oblique motive rather than to a genuine grievance.

23. Another aspect which requires consideration is the matter of suppression. The complaint as filed by the respondent No.2, did not disclose the pre-existing FIR or the charge-sheet dated 30.11.2020. When read a little more closely, the sequence of events assumes significance. The complainant, whose own side was already facing a charge-sheeted FIR arising out of the same occurrence, set the criminal law in motion afresh against the entire opposing family, including the three women, over the identical incident. A proceeding of this character answers to the description of the retaliatory counterblast that was deprecated in **Anukul Singh Case (supra)**.

24. Lastly, there remains the civil substratum of the controversy. The dispute between the parties has, at its root, a long-standing quarrel over land, agitated by the complainant even by way of a public interest litigation. To permit a private complaint, belatedly instituted and suppressing the earlier FIR, to proceed against an entire family in these circumstances would be to allow a matter essentially civil to be pursued through the criminal process as an instrument of harassment, a course against which this Court in **G. Sagar Suri case (supra)** cautions. The summoning of the entire family, including the three women, upon a solitary and belated version, does not reflect the careful application of mind by the Magistrate that the issuance of process demands.

25. The High Court confined itself to the bare averments of the complaint and treated the material placed by the appellants as raising only disputed questions of fact for trial. Where, however, the *indicia* of mala fide and abuse of process appear on the record, the court is not

merely entitled but obliged to look beyond the averments and to prevent the perpetuation of the abuse. Taking the cumulative effect of the unexplained delay, the suppression of the antecedent FIR, the counter-blast character of the complaint and the essentially civil nature of the dispute, we are of the considered view that the case falls squarely within categories (1), (5) and (7) of ***Bhajan Lal Case (supra)***, and that the continuation of the complaint against the appellants would be nothing but an abuse of the process of the court.

26. In view of the foregoing discussion, the impugned order dated 21.01.2026 passed by the High Court cannot be sustained and is set aside.
27. The appeal is allowed. Complaint Case No. 909 of 2021, pending on the file of the Additional Chief Judicial Magistrate, First, Court No. 12, Jaunpur, together with the summoning order dated 10.02.2025 and all proceedings consequent thereto, stands quashed.

28. We clarify that nothing in this judgment shall be construed as an expression of opinion on the merits of First Information Report No. 405 of 2020 or the connected charge-sheet, or on the civil dispute between the parties, all of which shall be dealt with on their respective merits in accordance with law, uninfluenced by this judgment.

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

.....J.
[**SANJAY KAROL**]

.....J.
[**AUGUSTINE GEORGE MASIH**]

**NEW DELHI;
JULY 23, 2026.**