



2026:AHC:29389

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 6081 of 2022

Dinesh And 8 Others

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s) : Ashutosh Kumar Mishra
Counsel for Respondent(s) : G.A., Upendra Kumar Pushkar

Court No. - 51

HON'BLE ANIL KUMAR-X, J.

1. Heard learned counsel for the appellants, learned counsel for informant and Acharya Rajesh Tripathi, learned AGA for State.
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 by the appellants against the order dated 27.07.2022 passed by the Special Judge, SC/ST Act, Aligarh, in Complaint Case No. 02 of 2022, under Sections 323, 506, 452, and 354 of the I.P.C. and Section 3(1)(R) of the SC/ST Act, at Police Station Khair, District Aligarh.
3. Learned counsel for the appellants has submitted that the appellants have been falsely implicated in the present case by the respondent/informant, as an FIR had been lodged against her prior to the filing of this complaint. He submitted that an FIR in Case Crime No. 442 of 2021, under Sections 147, 323, 308, 504, and 506 IPC, Police Station Khair, District Aligarh, was lodged by the appellants against the informant and her family members on 07.09.2021. Other family members of the appellants had also sustained injuries, and the said injury reports are on record.
4. He further submitted that the informant is originally a resident of West Bengal, where she belongs to the SC/ST community. She has now married a person belonging to the Jat community. However, she has concealed this fact and has claimed herself to be a woman belonging to the SC/ST community. Once she married a person belonging to the Jat community, she cannot claim herself to be a woman belonging to the SC/ST community. A woman, after marrying a person of another caste, loses her original caste which she held

since birth and thereafter belongs to the caste of her husband. Hence, summoning the appellants for the alleged offences, as well as under the SC/ST Act, is unsustainable and liable to be set aside.

5. Learned AGA for the State and learned counsel for the informant have submitted that the alleged incident stated in the complaint as well as the incident narrated in the FIR are simultaneous; both incidents occurred on the same date. The allegation in the complaint is that the informant was assaulted and abused by the appellants. The complainant has also stated that the appellants used casteist slurs during the altercation. Three persons, including the informant, were injured in the incident. Hence, the claim of the appellants that the present complaint was lodged as a counterblast is untenable. Therefore, this criminal appeal lacks merit and is liable to be dismissed.

6. Heard learned counsel for the parties and perused the material available on record.

7. It is apparent from the impugned order that the learned Trial Court, after considering the statements of the informant and her witnesses along with the injury reports, has summoned the appellants to face trial for offences under Sections 323, 506, 452, and 354 of the I.P.C. and Section 3(1)(R) of the SC/ST Act. The existence of a cross-case does not constitute a ground to discard a complaint filed by the opposite party on a rival version. Hence, it cannot be said that the learned Trial Court has committed any illegality in summoning the appellants for the alleged offences.

8. So far as the contention that the informant has lost her caste after marrying a person belonging to the Jat community is concerned, the said contention has no force. Though a person may change religion, his or her caste remains the same despite conversion to another religion. Hence, marriage does not change a person's caste. Therefore, the said contention is unsustainable.

9. Accordingly, the appeal is dismissed.

February 10, 2026
Mukesh

(Anil Kumar-X,J.)