

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 1524 OF 2017
[Arising out of SLP (Crl.) No. 2207 of 2016]

ARCHANA MISHRA

...APPELLANT

VERSUS

STATE OF UP AND ANR.

...RESPONDENTS

ORDER

1. Leave granted.
2. This appeal is directed against the order dated 17.02.2016, whereby the High Court of Allahabad has dismissed the Criminal Revision No. 2847 of 2015 filed by the appellant challenging the order passed by the Additional Sessions Judge, Deoria, who had summoned her for the offence punishable under Sections 498A, 304B I.P.C read with Sections 3 and 4 of D.P. Act.
3. The appellant was married to the younger brother of the husband of the deceased, on 08.06.2009, nearly four years after the marriage of the deceased. The incident had taken place on 26.10.2011 and on the same date FIR was lodged by the father of the deceased, in which the appellant was named as one of the accused. After the investigation no evidence was found against her and her name was not included in the chargesheet. In the final report dated 16.11.2011, the IO has clearly stated that the appellant was at her parental house at the time of the incident. During the course of

the evidence PW1(father of the deceased), on 19.07.2013, after a passage of about two and a half years from the date of filing of chargesheet, stated that his daughter had disclosed that her husband, father-in-law, *devar*, *devrani* and *nanad* gave her beating and abused her. Thereafter, the prosecution moved an application to summon the appellant and two other persons under Section 319 of the CrPC.

4. Having heard learned counsel for the parties, we are of the view that the evidence produced does not show the involvement of the appellant in the offences. Therefore, the Additional Sessions Judge was not justified in summoning the appellant. The High Court was also not justified in dismissing the revision. Hence, the appeal is allowed. The order of the High Court in Criminal Revision No. 2847 of 2015 dated 17.02.2016 is set aside. Similarly, the order of the Additional Sessions Judge dated 10.06.2015 in S.T. No. 192 of 2012 is also set aside.

.....J.
(J. CHELAMESWAR)

.....J.
(PRAFULLA C. PANT)

.....J.
(S. ABDUL NAZEER)

New Delhi;
August 28, 2017.

ITEM NO.47

COURT NO.2

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). 2207/2016

(Arising out of impugned final judgment and order dated 17-02-2016 in CRA No. 2847/2015 passed by the High Court Of Judicature at Allahabad)

ARCHNA MISHRA

Petitioner(s)

VERSUS

STATE OF UTTAR PRADESH AND ANR.

Respondent(s)

Date : 28-08-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J. CHELAMESWAR
HON'BLE MR. JUSTICE PRAFULLA C. PANT
HON'BLE MR. JUSTICE S. ABDUL NAZEER

For Petitioner(s) Mr. R.K. Kapoor, Adv.
Ms. Kheyali, Adv.
Mr. Rajat Kapoor, Adv.
Ms. Shweta Kapoor, Adv.
Mr. Anis Ahmed Khan, AOR

For Respondent(s) Ms. Charu Singhal, Adv.
State of UP Mr. Ankur Prakash, Adv.
Ms. Alka Sinha, Adv.
Mr. Anuvrat Sharma, Adv.
Mr. M. R. Shamshad, AOR

Mr. T. N. Singh, AOR
Mr. Vikas K. Singh, Adv.
Mr. Umang Tripathi, Adv.

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

Leave granted.

The appeal is allowed in terms of the signed order.

(DEEPAK MANSUKHANI)
AR-cum-PS

(RAJINDER KAUR)
Court Master

(Signed order is placed on the file)