

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S). \_\_\_\_\_ OF 2023  
(Arising from SLP(Cr1.)No(s).451/2020)

SHIVANI

APPELLANT(S)

VERSUS

STATE OF UTTAR PRADESH & ANR.

RESPONDENT(S)

WITH

CRIMINAL APPEAL NO(S). \_\_\_\_\_ OF 2023  
(Arising from SLP(Cr1.)No(s).1315/2020)

O R D E R

Leave granted in both the matters.

The appellants have approached this Court invoking its jurisdiction under Article 136 of the Constitution of India, and the grievance of the appellants stems from an order passed by the Trial Court under Section 319 of the Code of Criminal Procedure (hereinafter "the Code") summoning them as accused in an ongoing trial. The Trial Court's order has been sustained by the High Court

in a criminal revision petition brought by the appellants. The judgment of the High Court delivered on 05.12.2019 is assailed by the appellants before us. The offences relate to unnatural death of a lady and allegations were made that it was a death resulting from cruelty inflicted on her for unlawful demand for dowry. FIR was registered alleging commission of offences under Sections 498A, 304B of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act, 1961. The appellants are the brother (Sanjeev Kumar) and sister-in-law (Shivani) of the husband of the deceased lady. They were implicated as accused in the FIR along with the husband of the deceased lady as also her mother-in-law.

On behalf of the appellants, it has been submitted before this Court that the main accused persons, being the husband and the mother-in-law of the deceased have been acquitted by the Trial Court but appeal against the order of acquittal is pending before the High Court. In the present appeals, we are not concerned with that proceeding. In the charge-sheet, the husband and mother-in-law of the deceased lady were arraigned as accused but the investigating agency found no involvement of these two appellants in commission of the offence. Thus, they were not arraigned as accused in the charge-sheet. The summons were issued on an application made by the informant - Akhilesh Kumar, being the brother of the deceased lady.

We have been taken through evidence. We do not find any specific allegation against the appellants barring allegations of harassment, which are omnibus in nature. Under such circumstances, in our opinion, the High Court erred in law in sustaining the order

passed by the Trial Court for summoning the appellants.

We, accordingly, set aside the impugned order and allow the appeals. As a consequence, the order summoning them by the Trial Court in exercise of jurisdiction under Section 319 of the Code shall also stand invalidated.

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

.....J.  
[ANIRUDDHA BOSE]

.....J.  
[BELA M. TRIVEDI]

New Delhi;  
September 12, 2023.

ITEM NO.21

COURT NO.6

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 (CrI.) No(s). 451/2020  
(Arising out of impugned final judgment and order dated 05-12-2019  
in CRLR No. 1057/2018 passed by the High Court Of Judicature At  
Allahabad)

SHIVANI

PETITIONER(S)

VERSUS

STATE OF UTTAR PRADESH &amp; ANR.

RESPONDENT(S)

(IA NO. 9953/2020 - EXEMPTION FROM FILING O.T.)

WITH

SLP(CRL) NO. 1315/2020 (II)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA  
25507/2020 & FOR EXEMPTION FROM FILING O.T. ON IA 25510/2020)

Date : 12-09-2023 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ANIRUDDHA BOSE  
HON'BLE MS. JUSTICE BELA M. TRIVEDI

For Petitioner(s) Mr. Kaushal Yadav, AOR  
Mr. Nandlal Kumar Mishra, Adv.  
Dr. Ajay Kumar, Adv.  
Mr. Arjun Raghuvanshi, Adv.  
Mr. Ritul Tandon, Adv.  
Ms. Yashoda Katiyar, Adv.

For Respondent(s) Mr. Ardhendumauli Kumar Prasad, A.A.G.  
Mr. Vishnu Shankar Jain, AOR  
  
Ms. Mohini Priya, AOR

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

Leave granted.

The appeals are allowed in terms of the signed order, which is  
placed on the file.

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

(NIRMALA NEGI)  
COURT MASTER (SH)(VIDYA NEGI)  
ASSISTANT REGISTRAR