2026:AHC:133727

AFR

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 769 of 2025

Saurabh Pal Singh

.....Appellant(s)

Versus

State of U.P. and another

.....Respondent(s)

Counsel for Appellant(s)	:	Mohd Raghib Ali, Shashi Prakash Rai, Sr. Advocate
Counsel for Respondent(s)	:	Ashvni Mishra, G.A., Ved Prakash Pathak

with

CRIMINAL APPEAL No. - 2424 of 2026

Saurabh Pal Singh

.....Appellant(s)

Versus

State of U.P. and another

.....Respondent(s)

Counsel for Appellant(s)	:	Mohammad Samnani Ali, Mohd Raghib Ali, Shashi Prakash Rai, Sr. Advocate
Counsel for Respondent(s)	:	Ashvni Mishra, G.A.

Court No. - 93

HON'BLE SANTOSH RAI, J.

1. Heard Shri Saghir Ahmad, learned Senior Advocate assisted by Shri Shashi Prakash Rai, Advocate and Shri Mohd. Raghib Ali,

Advocate appearing on behalf of the appellant, Shri Ashvni Mishra, Advocate appearing on behalf of O.P. No.2 and learned AGA appearing on behalf of the State.

2. The present criminal appeals have been filed by the appellant to set aside/quash the impugned order dated 18.11.2024 and allow the discharge application dated 30.04.2024 pending in Sessions Trial No.159 of 2021 (State vs. Saurabh Pal Singh) under Sections 376, 504, 506, 406 and 420 IPC and Section 3(2)(v) SC/ST Act, P.S.- Shivkuti, District- Prayagraj arising out of Case Crime No.388 of 2020 in the court of Special Judge (SC/ST Act), Prayagraj. Furthermore, the appellant prayed to set aside/quash the impugned order dated 27.01.2026 in the aforesaid sessions trial by which charge has been framed against the appellant.

3. The prosecution story in brief is that the informant, a Scheduled Caste woman pursuing Ph.D. at Allahabad University, came into contact with the accused, Saurabh Pal Singh. The accused developed a close relationship with her, promised to marry her, and on that false assurance established physical relations with her over a long period. During this period, he allegedly took away her scholarship money, ATM card, jewellery, and dishonestly obtained about Rs.15,00,000 from her on the pretext of starting a restaurant. After his business was established, he allegedly refused to marry her, stopped communicating, and his wife and family members threatened her with dire consequences. The accused also allegedly issued two forged cheques of Rs.5,00,000 each, which were dishonoured, and later threatened her to leave Allahabad or face serious consequences. It is further alleged that the accused and his family members intentionally insulted and humiliated the informant by using caste-indicative abusive words and refused to return her money.

4. The informant/victim Manju Saroj filed an FIR against the appellant Saurabh Pal Singh on 29.10.2020 under Sections 504, 506, 493 and 406 IPC and Section 3(2)(va) of SC/ST Act, P.S.- Shivkuti, District- Prayagraj. After filing of the FIR, the informant/victim was medically examined on 01.11.2020 and her statement was recorded under Sections 161 and 164 Cr.P.C. Thereafter, the Investigating Officer has submitted Chargesheet No.51/2021 against the appellant on 01.03.2021 under Sections 376, 504, 506, 406 and 420 IPC and Section 3(2)(v) of SC/ST Act before the trial court concerned. The learned trial court has taken cognizance on the police report on 05.03.2021 in Special Sessions Trial No.159 of 2021. The appellant, thereafter, filed a discharge application under Section 227 Cr.P.C., which was rejected by Special Judge (SC/ST Act), Prayagraj vide order dated 18.11.2024. Thereafter, the appellant had filed Criminal Appeal No.769 of 2025. During pendency of the aforesaid criminal appeal, the learned trial court had framed charges against the appellant under Sections 376, 504, 506, 406 and 420 IPC and Section 3(2)(v) of SC/ST Act. Aggrieved thereby, the appellant had filed Criminal appeal No.2424 of 2026.

5. Tersely, the grounds of the appeals, in brief, are that the appellant has challenged the order dated 18.11.2024 rejecting his discharge application as well as the subsequent order dated 27.01.2026 framing charges, contending that the impugned orders are illegal, arbitrary and contrary to the material available on record. It is submitted that the FIR was lodged after an unexplained and inordinate delay in respect of an alleged incident spanning several years; that the appellant and the informant were in a long-standing cordial relationship and any physical relationship between them was purely consensual between two consenting adults and not on account of any misconception of fact or false promise of marriage. It is further submitted that the informant was a major, well-educated and fully aware of the appellant's marital status and that the dispute, if any, arose only after the appellant declined to marry her. According to the appellant, the allegations under Sections 376, 420, 406, 504 and 506 IPC and Section 3(2)(v) of the SC/ST Act are not made out from the FIR, the statements recorded under Sections 161 and 164 Cr.P.C. or any other material collected during investigation, as there is no evidence of fraudulent or dishonest inducement, criminal breach of trust, criminal intimidation or any offence committed on the ground that the informant belongs to a Scheduled Caste. It is further contended that the monetary transactions between the parties were voluntary in nature and, at best, disclose a civil dispute incapable of attracting criminal liability. The appellant further submits that the Investigating Officer failed to collect any cogent, clinching or admissible evidence to substantiate the allegations and mechanically submitted the charge-sheet, while the trial court, without properly appreciating the record and the settled principles governing discharge and framing of charge, rejected the discharge application and subsequently framed charges without recording adequate reasons or applying its judicial mind, although the material on record did not disclose sufficient grounds to proceed against the appellant. Thus, according to the appellant, the continuation of the criminal proceedings amounts to an abuse of the process of law and the impugned orders rejecting the discharge application and framing charges are liable to be set aside.

6. The First Information Report came to be lodged by the informant, Manju Saroj, against the appellant Saurabh Pal Singh and two other named persons, alleging offences under Sections 504, 506, 493 and 406 IPC and Section 3(2)(5-a) of the SC/ST Act. It was alleged at first time in her statement under section 161 CrPC that the appellant had committed rape upon the informant in the year 2014. Both the parties were known to each other, and that between 2010 and 2020 the appellant received large sums of money from the informant, including a sum of Rs. 15,00,000/-, against which cheques issued by the appellant were subsequently dishonoured.

7. In her statement recorded under Section 164 Cr.P.C., the informant stated that there was no romantic/love relationship between her and the appellant, but that physical relations had taken place. She further stated that the appellant had met her before ten years and they were friends, Furthermore, he declined to solemnise marriage with her, and that she subsequently knew that the appellant was already married since 2019 and has a child from that marriage. She alleged that the appellant used to abuse and intimidate her.

8. In her earlier statement under Section 161 Cr.P.C., the informant had stated that the appellant received huge amounts of money from her on several occasions and had committed rape upon her. The informant belongs to the Scheduled Caste category. On completion of investigation, charge-sheet came to be filed only against the appellant, Saurabh Pal Singh, under Sections 504, 506, 406, 420 and 376 IPC and Section 3(2)(v) of the SC/ST Act, the remaining two named persons having been let off at the investigation stage.

9. Learned counsel for the appellant has submitted before this Court through the FIR, the statements under Sections 161 and 164 Cr.P.C., and the charge-sheet, and has raised the following submissions:

(i) No specific date, time or place of the alleged occurrence of rape has been disclosed anywhere in the FIR, despite the allegation pertaining to the ten year back.the FIR having been lodged after a gap of several years.

(ii) Although three persons were named in the FIR, charge-sheet has been filed only against the appellant; there is no explanation on record for the differential treatment of the co-accused named in the FIR.

(iii) The FIR itself discloses that the amount of Rs. 15,00,000/- was given by the informant to the appellant to run a business, which is indicative of a commercial/financial transaction and not of an amount extracted by inducement of a false promise of marriage.

(iv) Two cheques of Rs. 5,00,000/- each, said to have been issued by the appellant, were dishonoured, a matter which, if at all, gives rise to a civil remedy and/or proceedings under Section 138 of the Negotiable Instruments Act, and does not by itself constitute the offence of cheating under Section 420 IPC in the absence of dishonest intention at the very inception of the transaction.

(v) It was only in the statement under Section 161 Cr.P.C. that the allegation of physical relationship surfaces for the first time, again without any specific date or time being mentioned.

(vi) It is alleged that the informant handed over her ATM card to the appellant and that the appellant misused the same to withdraw money from her account, an allegation that, even if taken at face value, does not disclose the ingredients of criminal breach of trust under Section 406 IPC, there being no material to show entrustment of property coupled with dishonest misappropriation.

(vii) In her statement under Section 164 Cr.P.C., the informant has not made any specific allegation of rape; she has only admitted that physical relations were established, without alleging that consent was obtained by placing her under fear or by a false promise that was false to the knowledge of the appellant from its very inception.

(viii) The allegations of intimidation and abuse are principally attributed in the FIR to two other persons, namely Dolly (said to be the wife of the appellant) and her brother, and not to the appellant himself.

(ix) There is no material on record to substantiate the ingredients of criminal breach of trust; the entire transaction, on a plain reading of the material collected during investigation, is a matter of a long-standing physical relationship and financial dealings between consenting adults, given a criminal colour after the relationship soured.

10. Learned counsel for the appellant relied upon the judgement of Supreme Court in **Arshad Neyaz Khan vs. The State of Jharkhand, 2025 SCC Online SC 2058.** The relevant paragraph is extracted below:

> "21. Furthermore, it is pertinent to mention that if it is the case of the complainant/respondent No.2 that the offence of criminal breach of trust as defined under Section 405 IPC, punishable under Section 406 IPC, is committed by the accused, then in the same breath it cannot be said that the accused has also committed the offence of cheating as defined in Section 415, punishable under Section 420 IPC. This Court in Delhi Race Club (1940) Limited v. State of Uttar Pradesh, (2024) 10 SCC 690 observed that there is a distinction between criminal breach of trust and cheating. For cheating, criminal intention is necessary at the time of making false or misleading representation i.e. since inception. In criminal breach of trust, mere proof of entrustment is sufficient. Thus, in case of criminal breach of trust, the offender is lawfully entrusted with the property, and he dishonestly misappropriates the same. Whereas, in case of cheating, the offender fraudulently or dishonestly induces a person by deceiving him to deliver a property. In such a situation, both offences cannot co-exist simultaneously. Consequently, the complaint cannot contain both the offences that are independent and distinct. The said offences cannot co-exist simultaneously in the same set of facts as they are antithetical to each other."

11. He further relied upon the judgement of the Apex Court in **Rajnish Singh @ Soni vs. State of U.P. and Another**, [2025] 3 SCR **303.** The relevant paragraphs are extracted below:

"32. Further, on the perusal of the statement made by the complainant under Section 161 CrPC, it is evident that she came to know about the relations between the appellant and Namrata in the year 2020-2021. Thus, once the complainant was aware that the appellant had broken the ties with her and was involved in a relationship with another woman, there was no reason for her to hold back from filing the FIR.

35. It is, therefore, clear that the accused is not liable for the offence of rape if the victim has wilfully agreed to maintain sexual relations. The Court has also recognised that a prosecutrix can agree to have sexual intercourse on account of her love and passion for the accused.

36. This Court in Shivashankar v. State of Karnataka, had quashed criminal proceedings on the ground that it is difficult to hold sexual intercourse in the course of a relationship, which continued for eight years, as 'rape' especially when the complainant therein had alleged that they lived together as man and wife. The relevant extract is reproduced hereinbelow: -

> "4. In the facts and circumstances of the present case, it is difficult to sustain the charges levelled against the appellant who may have possibly, made a false promise of marriage to the complainant. **<u>It is, however, difficult to hold sexual intercourse in the course of a relationship which has continued for eight years, as "rape" especially in the face of the complainant's own allegation that they lived together as man and wife."</u>**
>
> (emphasis supplied)

37. Thus, by no stretch of imagination, can this Court be convinced that present is a case wherein the appellant is liable to be prosecuted for having sexually exploited/assaulted the complainant based on a false promise of marriage. The allegations of the complainant are full of material contradictions and are ex facie unbelievable. Throughout the prolonged period of 16 years, the complainant kept completely quiet about the alleged sexual abuse, meted out to her by the appellant until she learnt that the appellant had married another woman. Further in complete contradiction to the case setup in the FIR, the

> complainant has on many occasions portrayed herself to be the wife of the appellant and thus, evidently, they lived together as man and wife. Additionally, the long gap of 16 years between the first alleged act of sexual intercourse, continued relations for one and a half decade till the filing of the FIR convinces us that it is a clear case of a love affair/live in relationship gone sour.
> 38. In this background, we are of the opinion that allowing the prosecution of the appellant to continue for the offences alleged, under Sections 376, 384, 323, 504 and 506 IPC would be nothing short of a gross abuse of the process of law."

12. He relied upon the judgement of Supreme Court in **Shashikant Sharma and Others vs. State of Uttar Pradesh and Another, [2023[15 SCR 1067.** The relevant paragraphs are extracted below:

> "12. At the outset, it may be emphasised that in the written submissions filed on behalf of the State, the pertinent plea raised by the learned counsel for the appellants that necessary ingredients of the offence punishable under Section 3(2) (v) of the SC/ST Act are not made out from the admitted allegations of the prosecution, has not been specifically controverted. There cannot be any quarrel with the principles laid down in the judgments cited by the State counsel in the written submissions that at the stage of framing of charges, the Court is not required to undertake a meticulous evaluation of evidence and even grave suspicion is sufficient to frame charge. Nevertheless, there is also a long line of precedents that from the admitted evidence of the prosecution as reflected in the documents filed by the Investigating Officer in the report under Section 173 CrPC, if the necessary ingredients of an offence are not made out then the Court is not obligated to frame charge for such offence against the accused. Reference in this regard may be made to the judgment rendered by this Court in the case of ***Suresh @ Pappu Bhudharmal Kalani Vs. State of Maharashtra*** reported in AIR 2001 SC 1375.
> 16. Be that as it may, as per the highest case of prosecution, the only offence under IPC punishable with imprisonment of 10 years or more being the offence under Section 307 IPC has been applied on the basis of the gun shot allegedly

> fired by the accused Vinod Upadhyay upon Rinku Thakur, which admittedly did not result into any corresponding injury. After perusal of the entire material on record, we have no hesitation in concluding that from the admitted case set up by the prosecution, there is no such allegation that the offence under IPC punishable with imprisonment of 10 years or more was committed by an accused of upper caste upon a person belonging to the Scheduled Caste community with the knowledge that such person belonged to the said community.
> 17. Hence, there is merit in the contention of learned counsel representing the appellants that prima facie ingredients of the offence punishable under Section 3(2)(v) of the SC/ST Act are not made out from the admitted allegations of prosecution and to this extent, the charge framed against the accused appellants is groundless."

13. Learned counsel for the appellant lastly relied upon the judgement of Supreme Court in **Anukul Singh vs. State of Uttar Pradesh and Another, 2025 AIR SC 4567.** The relevant paragraphs are extracted below:

> "16. Despite this background, the police proceeded to file a charge sheet dated 16.04.2003 against the appellant for offences under sections 420, 467, and 468 IPC. Even if the allegations are assumed to be true, they unmistakably arise out of a commercial/contractual transaction relating to loan and repayment, which has been given a criminal colour. The case thus falls squarely within categories (1) and (7) of Bhajan Lal, namely, where the allegations do not disclose the commission of an offence, and where the proceedings are maliciously instituted with an ulterior motive. Continuation of such prosecution would amount to an abuse of process of law and consequently, warrant quashing under Section 482 Cr.P.C.
>
> 17. This Court has, in a long line of decisions, deprecated the tendency to convert civil disputes into criminal proceedings. **In Indian Oil Corporation v. M/s. NEPC India Ltd., (2006) 6 SCC 736,** it was held that criminal law cannot be used as a tool to settle scores in commercial or

contractual matters, and that such misuse amounts to abuse of process. The following paragraphs from the decision are apposite:

> “9. The principles, relevant to our purpose are: ……….A complaint can be quashed where the allegations made in 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 the case alleged against the accused. For this purpose, the complaint has to be examined as a whole, but without examining the merits of the allegations. Neither a detailed inquiry nor a meticulous analysis of the material nor an assessment of the reliability or genuineness of the allegations in the complaint, is warranted while examining prayer for quashing of a complaint. A complaint may also be quashed where it is a clear abuse of the process of the court, as when the criminal proceeding is found to have been initiated with malafides/malice for wreaking vengeance or to cause harm, or where the allegations are absurd and inherently improbable.”

18. Similarly, in **Inder Mohan Goswami and another v. State of Uttaranchal and others, AIR 2008 SC 251**, it was emphasized that criminal prosecution must not be permitted as an instrument of harassment or private vendetta. In **Ganga Dhar Kalita v. State of Assam, (2015) 9 SCC 647**, this Court again reiterated that criminal complaints in respect of property disputes of civil nature, filed solely to harass the accused or to exert pressure in civil litigation, constitute an abuse of process.

19. Most recently, in **Shailesh Kumar Singh @ Shailesh R. Singh v. State of Uttar Pradesh and others, 2025 LiveLaw (SC) 726**, this Court disapproved the practice of using criminal proceedings as a substitute for civil remedies, observing that money recovery cannot be enforced through criminal prosecution where the dispute is essentially civil. The Court cautioned High Courts not to direct settlements in such matters but to apply the settled principles in **"State**

of Haryana & Others v. Bhajan Lal & Others" Reported in 1992 Supp.(1) SCC 335."

14. It is accordingly submitted that the learned trial court fell in error in rejecting the discharge application and in mechanically framing charge without appreciating that the material on record, even if taken at its face value and accepted in its entirety, does not disclose the essential ingredients of the offences charged, particularly under Sections 376 and 420 IPC and Section 3(2)(5) of the SC/ST Act.

15. Learned AGA has opposed the submissions advanced by learned counsel for the appellant and submitted that at the stage of discharge, the court is not required to conduct a mini-trial or to weigh the evidence as if adjudicating guilt, and that a strong suspicion founded on the material on record is sufficient to frame charge, leaving the rival contentions to be tested at trial.

16. The scope of the court's jurisdiction under Section 227 Cr.P.C. is well settled. In ***State of Bihar v. Ramesh Singh, (1977) 4 SCC 39,*** the Supreme Court held that at the stage of framing of charge the court has only to see whether there is a *prima facie* case and not to weigh the evidence meticulously as would be done at the trial; if there is a strong suspicion, charge may be framed, but a mere suspicion cannot take the place of proof at the appropriate stage. In ***Union of India v. Prafulla Kumar Samal, (1979) 3 SCC 4,*** the

Supreme Court laid down that the judge, while considering the question of framing charge, has the power to sift and weigh the evidence for the limited purpose of finding out whether or not a prima facie case is made out; where the material placed gives rise to grave suspicion which has not been properly explained, the court should be inclined to frame charge, but where the evidence is such that, even if unrebutted, would not warrant a conviction, discharge is the appropriate course. The court is not, however, to act as a mere post office and must exercise judicial discretion on the material available.

17. In ***State of Karnataka v. L. Muniswamy, (1977) 2 SCC 699,*** it was held that the object of the provision empowering discharge is to save the accused from prosecution on a groundless charge, and that if the evidence, even taken at its highest, does not disclose the commission of an offence, the accused is entitled to be discharged. In ***Sajjan Kumar v. Central Bureau of Investigation, (2010) 9 SCC 368,*** the Supreme Court summarised the principles governing discharge and held, inter alia, that if two views are possible and one of them gives rise to suspicion only, as distinguished from grave suspicion, the trial judge is empowered to discharge the accused; the court must consider the totality of the material and not adopt a piecemeal approach.

18. In ***Dilawar Babu Kurane v. State of Maharashtra, (2002) 2 SCC 135,*** it was reiterated that the court, at the stage of framing charge, must apply its judicial mind and consider the broad probabilities, the total effect of the material, and the basic infirmities appearing in the case, and is not to act merely as a recording authority. In ***Uday v. State of Karnataka, (2003) 4 SCC 46,*** the Supreme Court held that consent given under a misconception of fact arising from a promise to marry vitiates consent only where it is shown that the promise was false from its very inception and given in bad faith, with no intention of being fulfilled at the time it was made.

19. In ***Deepak Gulati v. State of Haryana, (2013) 7 SCC 675,*** the Supreme Court drew a clear distinction between a false promise made with the sole intention of seducing a woman and a breach of a promise made in good faith but not fulfilled owing to subsequent circumstances; it was held that consent obtained on a promise made in good faith, even if subsequently not honoured, does not amount to consent obtained by misconception of fact so as to attract Section 375 IPC.

20. In ***Pramod Suryabhan Pawar v. State of Maharashtra, (2019) 9 SCC 608,*** the Supreme Court held that to prosecute a person for rape on the ground of a false promise of marriage, it must be established that the promise was false at the time it was given and that there existed a direct nexus between the false promise and the woman's decision to engage in the sexual act; a breach of promise cannot be equated with a false promise, and where a long, continuous and consensual physical relationship has existed between parties who were known to each other, an inference of a false promise from its inception cannot readily be drawn.

21. In ***Yedla Srinivasa Rao v. State of A.P., (2006) 11 SCC 615***, it was held that where the accused had no intention to marry from the very beginning and the prosecutrix was made to believe on that false promise that he would marry her, such consent would fall foul of Section 90 IPC, conversely, therefore, where such want of intention from inception is not demonstrable from the material on record, the offence under Section 376 IPC is not made out.

22. Applying these principles to the material on record, this Court finds that the statement of the informant under Section 164 Cr.P.C. does not disclose that the physical relationship was preceded by, or founded upon, any promise of marriage held out by the appellant that was false to his knowledge at its inception. On the contrary, the informant herself has stated that there was no romantic relationship between the parties, that the physical relationship continued over several years, first time physical relationship were made in the year 2014, on the basis of her statement under section 161 Cr.P.C. On account of their being friends/acquaintances, and that she came to know of the appellant's prior marriage in 2019. Absent of any specific averment of inducement by a false promise made in bad faith from the outset, and absent any specific date, time or circumstance of the alleged act regarding committing the rape by appellant in the FIR and statement under section 164 Cr.P.C. recorded before the judicial magistrate. The essential ingredients of Section 376 IPC, as explained in the decisions referred to above, are not made out even on a *prima facie* appraisal of the material as it stands.

23. It is well settled that to constitute the offence of cheating under Section 420 IPC, dishonest or fraudulent intention must be shown to have existed at the time of the very inception of the transaction; a subsequent failure to keep a promise, without more, does not translate a civil dispute into a criminal offence. Reference in this regard may be made to *Hridaya Ranjan Prasad Verma v. State of Bihar, (2000) 4 SCC 168, and Vijay Kumar Ghai v. State of West Bengal, (2022) 7 SCC 124,* wherein the Supreme Court cautioned against the use of criminal process as a tool for recovery of money that is essentially the subject-matter of a civil/commercial dispute, and deprecated conversion of a purely civil dispute into a criminal case.

24. Insofar as Section 406 IPC is concerned, the essential ingredients are entrustment of property or dominion over property, and its dishonest misappropriation or conversion to one's own use in violation of a legal contract. The mere handing over of an ATM card, without any specific averment/details as to the manner, date and extent of misuse, and without material to establish dishonest misappropriation as distinct from a financial dispute between the parties, does not satisfy the requirements laid down in *R.K. Vijayasarathy v. Sudha Seetharam, (2019) 16 SCC 739,* for constituting an offence under Section 406 IPC.

25. In ***Masumsha Hasanasha Musalman vs. State of Maharashtra, (2000) 3 SCC 557,*** the Apex Court held that *"*….To attract the provisions of Section 3(2)(v) of the Act, the sine qua non is that the victim should be a person who belongs to a Scheduled Caste or a Scheduled Tribe and that the offence under the Indian Penal Code is committed against him on the basis that such a person belongs to a Scheduled Caste or a Scheduled Tribe. In the absence of such ingredients, no offence under Section 3(2)(v) of the Act arises. In this case the trial court erred in convicting the accused-appellant for the offence arising under Section 3(2)(v) of the Act only on the basis that there was no controversy that the victim belonged to a Scheduled Caste." In *Dinesh @ Buddha vs. State of Rajasthan, (2006) 3 SCC 771 and in Ramdas and other vs. State of Maharashtra, (2007) 2 SCC 170,* the Apex Court reiterated the same principle, as laid down in the aforesaid case.

26. In ***Hitesh Verma v. State of Uttarakhand, (2020) 10 SCC 710***, the Supreme Court held that for an offence to fall within Section 3 of the SC/ST Act, it is not enough that the victim belongs to a Scheduled Caste or Scheduled Tribe, it must further be shown that the offence was committed against the victim on the ground that he/she belongs to such caste or tribe. Mere fact of the informant belonging to a Scheduled Caste, without any material to indicate caste-based intent or that the alleged acts were motivated by the caste identity of the informant, would not attract the provisions of the Act. In ***Khuman Singh v. State of Madhya Pradesh, (2020) 18 SCC 143,*** it was similarly held that the offence under the SC/ST Act is not established merely because the informant is a member of a Scheduled Caste; the prosecution must show a nexus between the caste identity of the victim and the commission of the offence.

27. Tested on this touchstone, the material on record, including the FIR and the statements under Sections 161 and 164 Cr.P.C., does not disclose any allegation that the acts attributed to the appellant were committed on account of the informant's caste identity, as contemplated under Section 3(2)(v) of the SC/ST Act.

28. Admittedly, the informant/victim, Manju Saroj, is a well-educated lady having higher qualifications and further she was pursuing Ph.D. She was fully aware of her future and the consequences of entering into a relationship with any person. The victim stated that she had handed over her ATM card and other related articles to the accused-appellant, Saurabh Pal Singh, who allegedly misappropriated a substantial amount of money. Admittedly, no civil or criminal proceedings for recovery of the said amount have been instituted by the victim before any competent court or authority having jurisdiction in this regard. She specifically stated in the First Information Report as well as in her statement recorded under Section 161 Cr.P.C. that she had given Rs.15,00,000 to the appellant for the purpose of running a business. She further stated that the appellant had issued two cheques of Rs.5,00,000 each, which, upon presentation before the bank, were dishonoured. If the cheques were dishonoured, proceedings under Section 138 of the Negotiable Instruments Act could have been initiated. Admittedly, no reliable material has been brought on record regarding the particulars of the cheques or the bank's endorsement showing their dishonour. The reason why the victim did not initiate proceedings under Section 138 of the Negotiable Instruments Act also remains unexplained.

29. On a cumulative consideration of the material on record and the submissions advanced, this Court finds substance in the contentions raised on behalf of the appellant. The absence of any specific date, time or place etc. of the alleged occurrence, the admission of the informant that there was no love relationship coupled with a long period of continuing physical relationship spanning several years, the absence of any specific allegation of rape in the statement under Section 164 Cr.P.C., the disclosure in the FIR itself that the amount was advanced for business purposes, the essentially civil/commercial character of the dispute regarding dishonour of cheques, the lack of material establishing dishonest misappropriation for the purposes of Section 406 IPC, the selective prosecution of the appellant alone out of three named persons without explanation, and the absence of any material connecting the alleged acts to the caste identity of the informant, cumulatively fall short of disclosing a *prima facie* case, much less grave suspicion, sufficient in law to sustain the charges framed against the appellant.

30. The learned trial court, while rejecting the discharge application and framing charge, does not appear to have adverted to these material infirmities and has proceeded in a summary manner without a proper application of judicial mind to the material collected during investigation, as mandated by the decisions of the Supreme Court referred to hereinabove.

31. Having carefully examined the allegations in the First Information Report, the statements of the prosecutrix recorded under Sections 161 and 164 Cr.P.C., the documentary material brought on record, and the attendant circumstances including the admitted financial transactions between the parties, cheque bounce proceedings, and the overall factual background, this Court is of the considered opinion that the materials collected during investigation, even if accepted at their face value, do not disclose sufficient grounds for presuming that the appellant has committed the offences alleged. The record, on the contrary, indicates that the dispute is predominantly civil and financial in nature and that the allegations of rape on the basis of a false promise of marriage are not *prima facie* borne out from the material available. Likewise, no *prima facie* material exists to attract the ingredients of Section 3(2)(v) of the SC/ST Act, as the alleged offence is not shown to have been committed on the ground that the prosecutrix belonged to a Scheduled Caste or Scheduled Tribe.

32. Accordingly, the appellant is liable to be discharged from the offences punishable under Sections 376, 420, 406, 504 and 506 IPC as well as Section 3(2)(v) of the SC/ST Act.

33. Consequently, the impugned orders dated 18.11.2024 and 27.01.2026 passed by the learned Special Judge (SC/ST Act), Prayagraj in Sessions Trial No.159 of 2021 arising of Case Crime No.388 of 2020 rejecting the discharge application of the appellant and frames charge against him, is hereby set aside.

34. The appeals are, accordingly, **allowed.**

35. The appellant, **Saurabh Pal Singh**, stands discharged of the offences punishable under Sections 376, 420, 504, 506 and 406 IPC and Section 3(2)(v) of the SC/ST (Prevention of Atrocities) Act, 1989 in Sessions Trial No.159 of 2021 arising of Case Crime No.388 of 2020.

36. If the appellant is on bail, the bails bonds and sureties, furnished earlier, shall stand discharged.

37. Registrar (Compliance) is directed to communicate the instant order to the court concerned through District and Sessions Judge, Prayagraj by e-mail/FAX within a week for further proceedings and compliance.

(Santosh Rai,J.)

July 06, 2026
Ankit.