2026 INSC 1253

Non-Reportable

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

Criminal Appeal No……. of 2026
[@ Special Leave Petition (Crl.) No.19475 of 2026]

Ibrahim & Ors ...Appellants

Versus

State of U.P. & Anr. ...Respondents

O R D E R

Leave granted.

2. The appellants are concerned with the proceedings taken and summons issued in Complaint No.91 of 2021 by the Judicial First Class Magistrate, Court No.23, Azamgarh produced as Annexure P5. The Criminal Miscellaneous Application for quashing of the proceedings filed as Annexure P6 was rejected by the impugned judgment.

3. We heard learned Counsel for the appellants and the learned Counsel for the State. None appeared for the second respondent despite service of notice.

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Reason:

4. Obviously, the proceedings initiated by Annexure P1, complaint dated 24.05.2016 resulted in Annexure P5 summons being issued on 18.05.2022 after about six years. The charges are under Sections 323 and 504 of the Indian Penal Code, 1860 (IPC) arising from the complaint-Annexure P5, the allegations under which are as vague as ever can be.

5. The complainant, the second respondent alleged that due to a civil dispute ending in favour of the complainant, the appellants on 15.05.2016 broke down the door of his house and committed destruction and took away Rs.40,000/- and jewellery after beating up the complainants' family and insulting the women of the house. However, in Annexure P2, statement recorded under Section 200 of the Code of Criminal Procedure, 1973 (Cr.P.C.), the allegation is sketchier; that the assailants beat him up, looted him after entering the house. It was also alleged that 22 to 25 people were involved in the mob, while in the complaint, it was alleged that 30 to 35 people had come to the house.

6. The allegations are vague and obviously the complainant did not pursue the matter before the Magistrate's Court and hence it was kept pending for

almost six years. Even before this Court, the complainant has not appeared. We are of the opinion that no useful purpose would be served in continuing the proceedings. We set aside Annexure P5-summoning order and quash Complaint No.91 of 2021 pending before the Court of Judicial First Class Magistrate, Court No.23, Azamgarh.

7. The appeal stands allowed.

8. Pending application(s), if any, shall stand rejected.

..... J.
(J. B. PARDIWALA)

..... J.
(K. VINOD CHANDRAN)

NEW DELHI;
NOVEMBER 16, 2026.