



2026:AHC:166365

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 603 of 2025

Chhote Lal

.....Appellant(s)

Versus

State Of U.P. And 6 Others

.....Respondent(s)

Counsel for Appellant(s)	: Abhishek Saroj, Sunil Kumar Yadav
Counsel for Respondent(s)	: G.A., Krishna Bali Sharma, Sharad Shekhar Sharma

Court No. - 93

HON'BLE SANTOSH RAI, J.

1. Heard learned counsel for the appellant, learned counsel for opposite party nos.2 to 7 and learned AGA for the State.
2. The present criminal appeal has been filed by the appellant against the impugned order dated 28.11.2024 passed by learned Special Judge (S.C./S.T. Act), Bhadohi-Gyanpur in Criminal Case No.27 of 2023 (Chhote Lal vs. Shiv Pujan and Others), Police Station- Chauri, District- Bhadohi, by which the complaint filed by the appellant under Section 156(3) Cr.P.C. was rejected.
3. In the complaint arising out of the application under Section 156(3) Cr.P.C., it has been alleged that the accused-appellant caused injuries to the complainant and other persons.
4. Learned counsel for the appellant submits that the impugned order dated 28.11.2024 is illegal and arbitrary. The appellant's application under Section 156(3) Cr.P.C. was treated as a complaint, and his statements under Sections 200 and 202 Cr.P.C. supported the allegations made in the complaint. It is submitted that the learned court below failed to properly appreciate the material on record and erroneously rejected the complaint under Section 203 Cr.P.C. He further submits that no injury or medical

report was prepared in the present case. He, however, admits that the incident is alleged to have occurred at a public place. The distance between the residences of the informant and the opposite party is approximately 100 metres. It is, therefore, submitted that the impugned order be set aside and the matter be proceeded with in accordance with law.

5. Per contra, learned counsel for the opposite parties and learned AGA submit that the impugned order has rightly been passed after considering the complaint and the statements recorded under Sections 200 and 202 Cr.P.C. No injury or medical report was produced despite the allegation of assault. It is further submitted that Case Crime No. 91 of 2021 had already been lodged by the opposite party against the appellant and others regarding the same occurrence, and the present complaint is a counterblast to the said case. There is also no specific allegation of use of casteist words with the intention to insult or humiliate the appellant on the ground of his caste. Hence, the complaint was rightly rejected under Section 203 Cr.P.C. and no interference is warranted.

6. The incident is alleged to have occurred at a public place, where the accused-appellant is stated to have used abusive language against the victim. Admittedly, in the present case, an FIR, being Case Crime No. 91 of 2021, was registered under Sections 147, 323, 504, 506 and 427 IPC by the informant, Shiv Pujan, against the complainant of the present case. The date of incident in Case Crime No. 91 of 2021 is the same, i.e., 19.08.2021. It is also admitted that, in the said case, two persons sustained injuries. However, in the present complaint, it has been stated that no injury report was prepared. On the face of the complaint, it appears that the same has been instituted as a counterblast to the incident giving rise to Case Crime No. 91 of 2021. Further, no specific or distinct averment has been made in the complaint to clearly indicate that the accused-appellant used any casteist slur against the victim with the intention of insulting or humiliating him solely on the ground that he belonged to the Scheduled Caste/Scheduled Tribe category.

7. Thus, having considered the entire facts and circumstances of the case, the material and evidence available on record, the submissions advanced

by the learned counsel for the parties and the law laid down by the Hon'ble Supreme Court as discussed herein above, this court is of the considered opinion that the learned trial court has rightly rejected the application of the appellant filed under Section 156(3) Cr.P.C. The impugned order dated 28.11.2024 does not suffer from any illegality, perversity or infirmity warranting interference by this Court.

8. The appeal, being devoid of merits, is accordingly **dismissed**.

(Santosh Rai,J.)

August 10, 2026

Ankit.