



2026:AHC:167971

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 7454 of 2025

Omant Singh

.....Appellant(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Appellant(s)	:	Krishna Kant Dubey, Santosh Kumar Dubey
Counsel for Respondent(s)	:	G.A.

Court No. - 93

HON'BLE SANTOSH RAI, J.

1. Counter affidavit filed today in court on behalf of O.P. Nos.4 and 5 is taken on record.
2. Learned counsel for the appellant states that he has no intention to file rejoinder affidavit and is ready to argue the case.
3. Heard Shri Krishna Kant Dubey, learned counsel for the appellant, Shri Rajan Mishra, learned counsel for O.P. Nos.4 and 5 and learned AGA for the State.
4. The present criminal appeal has been filed by the appellant against the impugned order dated 09.07.2025 passed by learned Special Judge (S.C./S.T. Act), Hapur in Criminal Misc. Case No.138 of 2025 (Omant Singh vs. Amit Khurana and others), Police Station- Hapur Dehat, District- Hapur, by which the complaint filed by the appellant under Section 173(4) BNSS was rejected.
5. The application under Section 173(4) BNSS was moved by the complainant-appellant alleging that the opposite parties had sold the vehicle purchased by him, the details whereof have been mentioned in the complaint. It is stated that a sum of Rs.70,000/- was paid in cash, while the remaining amount of Rs.4,84,000/- was obtained as a loan from Kotak Mahindra Bank. The said vehicle subsequently met with an accident. Thereafter, on the false representation of Lalit Gupta, the complainant parked the vehicle at the earmarked place. Subsequently, he received

information that the vehicle had been sold and the loan amount had been misappropriated by the opposite parties.

6. Learned counsel for the appellant submits that the appellant purchased the vehicle from opposite parties Nos. 2 to 5 after paying Rs.70,000 in cash and obtaining the remaining amount through bank finance, but the opposite parties failed to provide the registration documents and subsequently sold the vehicle. Despite approaching the SSP, no FIR was registered, compelling the appellant to move an application under Section 173(4) BNSS. It is submitted that the police inquiry also noticed the existence of the vehicle at P.S. Industries and a dispute between the parties. The appellant has produced the relevant receipt, temporary registration certificate and bank statement. The learned court below, however, rejected the application merely for want of the receipt, without properly considering the material and allegations of fraud, conspiracy, caste-based abuse and threats. Accordingly, it is prayed that the impugned order dated 09.07.2025 be set aside and appropriate directions be issued on the application under Section 173(4) BNSS.

7. Learned counsel appearing for opposite party Nos. 4 and 5 and learned AGA submitted that opposite party No. 4 is a staff member of Kotak Mahindra Bank, while opposite party No. 5, Lalit Gupta, is his brother. It was submitted that the application under Section 173(4) BNSS has been moved by the complainant on account of the alleged misappropriation of the loan amount. So far as the allegation that the vehicle was parked at the earmarked place at the instance of Lalit Gupta is concerned, no reliable material has been brought on record in support thereof.

8. From perusal of the application under Section 173(4) BNSS, it appears that the dispute between the parties is essentially commercial in nature, relating to the purchase of the vehicle and the loan transaction. So far as the allegations regarding sale of the vehicle and misappropriation of the amount are concerned, the same are based on hearsay. As regards the allegation of casteist abuse, no specific or distinct role has been assigned to any accused, nor is there any clear allegation that the alleged abusive words were used with the intention to insult or humiliate the complainant on the ground of his belonging to the SC/ST category. It, therefore,

appears that the application has been moved before the concerned court with an ulterior motive. Therefore, the learned trial court has rightly rejected the application filed under Section 173(4) BNSS.

9. 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 173(4) BNSS. The impugned order dated 09.07.2025 does not suffer from any illegality, perversity or infirmity warranting interference by this Court.

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

(Santosh Rai,J.)

August 11, 2026

Ankit.