



2026:AHC:170916

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 8903 of 2025

Lallu Ram

.....Appellant(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Appellant(s)	:	Ruchi Prajapati, Umesh Chandra Prajapati
Counsel for Respondent(s)	:	G.A.

Court No. - 93

HON'BLE SANTOSH RAI, J.

1. Heard learned counsel for the appellant and learned A.G.A. for the State and perused the record.
2. This criminal appeal has been preferred under Section 14 A (1) of S.C. & S.T. Act to quash the judgment and order dated 19.08.2025 passed by learned Special Judge, S.C./S.T (Prevention of Atrocities, Act) Jhansi in Criminal Misc. Case No. 309 of 2025 (Lallu Ram Versus Harishankar and others) under section 173 (4) of B.N.S.S., Police Station-Mauranipur, District-Jhansi whereby the Special Judge has illegally treated complaint.
3. Appellant moved an application under Section 173(4) B.N.S.S. before the concerned court for registration of criminal case against accused-opposite party nos.4 and 5 Hari Shankar and Arjun regarding causing injury and insulting and humiliate the appellant. But trial court has treated the application of the appellant as complaint case.
4. Briefly, the grounds of the appeal are that the impugned order dated 19.08.2025 passed by learned Special Judge, S.C./S.T (Prevention of Atrocities, Act) Jhansi is wholly illegal and not sustainable in the eyes of law. The impugned order is based on surmises and conjunctures as such same is liable to be quashed.
5. Learned counsel for the appellant submits that Special Judge, S.C./S.T. (Prevention of Atrocities) Act, Jhansi, failed to consider the averments made in the application and the evidence placed on record and rejected the application in a cursory manner. The complaint prima facie discloses

commission of a cognizable offence; nevertheless, the learned Special Judge failed to direct the concerned Station House Officer to register the FIR. The injury report of injured Lallu Ram indicates injuries on a vital part, which, according to the appellant, could not have been ignored by the court below. The allegations disclose caste-based abuse and humiliation of the injured, thereby prima facie attracting the provisions of the SC/ST Act.

In view of Section 173 BNSS, registration of an FIR is mandatory where the information discloses commission of a cognizable offence.

6. Learned counsel for the appellant relied upon a judgment of Hon'ble Supreme Court in the case of *XYZ vs. State of Madhya Pradesh & Others* **2022 LiveLaw (S.C.) 675**. Para 24 reads as under:-

Therefore, in such cases, where not only does the Magistrate find the commission of a cognizable offence alleged on a prima facie reading of the complaint but also such facts are brought to the Magistrate's notice which clearly indicate the need for police investigation, the discretion granted in Section 156(3) can only be read as it being the Magistrate's duty to order the police to investigate. In cases such as the present, wherein, there is alleged to be documentary or other evidence in the physical possession of the accused or other individuals which the police would be best placed to investigate and retrieve using its powers under the Cr.P.C., the matter ought to be sent to the police for investigation."

7. The above case is not applicable in this matter due to different factual matrix. Merely because the application moved by the appellant was styled as an application under Section 173(4) of the B.N.S.S., it cannot be said that the learned court was bound, in every circumstance, to direct registration of a criminal case and investigation by the police. The substance of the allegations and the nature of the relief sought are required to be considered rather than the nomenclature assigned to the application.

8. In the present case, the allegations made by the appellant/victim are primarily based upon facts which are within his own knowledge and upon the acts allegedly committed in his presence. The appellant is himself the aggrieved person and the principal witness regarding the alleged occurrence. No complicated question requiring discovery of facts by the police has been demonstrated. There is also no specific material showing that any recovery, seizure, custodial interrogation, scientific examination or any other specialised investigation by the police was indispensable for adjudicating the allegations made by the appellant. Thus, merely because the appellant desired registration of an FIR, it cannot be held that a direction for police

investigation was mandatory.

9. In ***Ramdev Food Products Pvt. Ltd. v. State of Gujarat***, (2015) 6 SCC 439, wherein the Supreme Court held that the Magistrate is not bound to order investigation in every case and may proceed under the complaint procedure where investigation by the police is not considered necessary.

Paras 22.1, 22.2 and 22.3 of ***Ramdev Food Products Pvt. Ltd. (supra)*** reads as under:-

"22.1. The direction under Section 156(3) is to be issued, only after application of mind by the Magistrate. When the Magistrate does not take cognizance and does not find it necessary to postpone the issuance of process and finds a case made out to proceed forthwith, direction under the said provision is issued. In other words, where on account of credibility of information available, or weighing the interest of justice it is considered appropriate to straightaway direct investigation, such a direction is issued.

22.2. The cases where Magistrate takes cognizance and postpones issuance of process are cases where the Magistrate has yet to determine "existence of sufficient ground to proceed". Category of cases falling under para 120.6 in Lalita Kumari [Lalita Kumari v. State of U.P., (2014) 2 SCC 1 : (2014) 1 SCC (Cri) 524] may fall under Section 202.

22.3. Subject to these broad guidelines available from the scheme of the Code, exercise of discretion by the Magistrate is guided by interest of justice from case to case."

10. In the case of ***Om Prakash Ambadkar vs. State of Maharashtra and others***, (2026) 2 SCC 622 the Hon'ble Supreme Court has held as under :-

"25. Thus, there are prerequisites to be followed by the complainant before approaching the Magistrate under Section 156(3)CrPC which is a discretionary remedy as the provision proceeds with the word "may". The Magistrate is required to exercise his mind while doing so. He should pass orders only if he is satisfied that the information reveals commission of cognizable offences and also about the necessity of police investigation for digging out of evidence neither in possession of the complainant nor can be procured without the assistance of the police.

27. In fact, the Magistrate ought to direct investigation by the police only where the assistance of the investigating agency is necessary and the court feels that the cause of justice is likely to suffer in the absence of investigation by the police. The Magistrate is not expected to mechanically direct investigation by the police without first examining whether in the facts and circumstances of the case, investigation by the State machinery is actually required or not. If the allegations made in the complaint are simple, where the court can straightaway proceed to conduct the trial, the Magistrate is expected to record evidence and proceed further in the matter, instead of passing the buck to the police under Section

156(3)CrPC. Of course, if the allegations made in the complaint require complex and complicated investigation which cannot be undertaken without active assistance and expertise of the State machinery, it would only be appropriate for the Magistrate to direct investigation by the police authorities. The Magistrate is, therefore, not supposed to act merely as a post office and needs to adopt a judicial approach while considering an application seeking investigation by the police."

11. The direction for investigation is to be issued after application of mind and that the Magistrate may, depending upon the facts and the interests of justice, proceed with the complaint procedure instead of directing investigation. Therefore, the mere fact that the appellant had requested registration of an FIR does not create an indefeasible right in his favour to have the matter investigated by the police. The relevant consideration is whether police investigation is necessary for collection of evidence which is not otherwise within the reach of the complainant or for which the complainant cannot reasonably produce evidence before the Court.

12. In the facts of the present case, the learned Special Judge has treated the application as a complaint and has proceeded in accordance with the procedure applicable to a complaint. Such course, by itself, does not cause any prejudice to the appellant. The appellant/victim retains the opportunity to substantiate the allegations by his own statement and by producing such witnesses and material as may be available to him. If, during the course of the complaint proceedings, the learned Court finds that any further inquiry or investigation is necessary for arriving at a just decision, the appropriate procedure in accordance with law can always be adopted. Thus, the appellant has failed to demonstrate that conversion of the application into a complaint has resulted in failure of justice or has caused any legally cognizable prejudice to him.

13. It is further noteworthy that the impugned order does not finally adjudicate upon the truth or otherwise of the allegations of the appellant. By treating the application as a complaint, the learned Special Judge has only chosen the procedural course through which the allegations are to be examined in accordance with law. Therefore, the grievance of the appellant that the learned Court has illegally converted his application into a complaint is without substance. No jurisdictional error, perversity or material irregularity has been demonstrated warranting interference by this Court in exercise of appellate jurisdiction under Section 14-A of the S.C./S.T. (Prevention of Atrocities) Act.

14. The appellant has also failed to establish that any right conferred upon him under the S.C./S.T. (Prevention of Atrocities) Act has been defeated by the impugned order. The special nature of the Act undoubtedly requires the Courts to remain sensitive to the rights of victims and the object of the legislation; nevertheless, the statutory protection cannot be construed to mean that every application submitted by a victim must necessarily culminate in registration of an FIR and police investigation, irrespective of the nature of the allegations and the availability of the material to the complainant himself. The procedure adopted by the learned Special Judge is legally permissible and does not, in the facts of the present case, cause any prejudice to the appellant.

15. For the foregoing reasons, this Court finds that the impugned order dated 19.08.2025 does not suffer from any illegality, perversity or jurisdictional infirmity. The learned Special Judge has not committed any material error in treating the application moved by the appellant as a complaint instead of directing registration of a criminal case at the police station. The grounds urged in the appeal are, therefore, devoid of merit.

16. The appeal is accordingly liable to be **dismissed**.

August 13, 2026

Asha

(Santosh Rai,J.)