



2026:AHC:55488

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 1617 of 2026

Jainendra Kumar

.....Appellant(s)

Versus

State Of U.P. And 5 Others

.....Respondent(s)

Counsel for Appellant(s)	:	Ajad Singh, Shad Khan
Counsel for Respondent(s)	:	G.A.

Court No. - 51

HON'BLE ANIL KUMAR-X, J.

1. Heard learned counsel for the appellant and Shri Acharya Rajesh Tripathi, learned AGA for the State.
2. As per office report, notice on the respondent nos.5 has been served personally, but the same could not be served on respondent nos.2, 3 and 4.
3. This criminal appeal under Section 14-A(1) of The Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been preferred by the appellant with a prayer to allow the appeal and set aside the order dated 17.10.2025 passed by the learned Special Judge (SC / ST Act), Prayagraj, in Misc. Application No. 1047 of 2025 (Jainendra Kumar Vs. Madhup Agrawal & Ors.), under Section 173(4), P.S. Shivkuti, District Prayagraj, and to direct the authorities to lodge the F.I.R. against the Respondent Nos.2 to 6.
4. Learned counsel for the appellant submitted that the application filed by the appellant under Section 173(4) BNS has been wrongly dismissed by the learned trial court without considering the allegations therein. He submitted that accused persons offered to sell a land behind his plot and accordingly an oral agreement between the parties took place. In pursuance of the said oral agreement, Rs.45 lakhs through bank transactions were also paid to respondents. However, the respondents neither executed the sale-deed of the alleged land nor they returned the advance money paid by the appellant. It was further alleged that the private respondents demolished boundary wall and door of his plot on

12.1.2025 at the time when appellant was on his duty. It was further alleged that whenever the appellant approached the respondents to return the advance money, they abused and humiliated him and also used casteist slurs. Hence, the impugned order dismissing the application under Section 173(4) BNS is perverse and is liable to be set aside.

5. Learned AGA has submitted that the impugned order has been passed by placing reliance upon the police report summoned by the learned trial court. Said police report was called from the police to inquire into the allegations. It was reported by the police that an agreement between the parties was stipulated vide which an amount of Rs.52 lakhs was paid by the appellant in favour of the respondents. Subsequently, they executed a sale-deed in favour of the appellant. It has further been mentioned in the police report that only an amount of Rs.47 lakhs was paid by the appellant in lieu of the sale-deed in his favour. However, the remaining consideration amount of Rs.5 Lakhs was not paid by him. Despite the outstanding amount, the appellant himself tried to take possession of the purchased land which resulted into the dispute between the parties. Hence, the impugned order does not suffer from any infirmity and this criminal appeal is liable to be dismissed.

6. I have considered the submissions advanced by learned counsel for the parties and perused the entire record.

7. Learned counsel for the appellant submitted that earlier a transaction between the parties had taken place vide which some of the land belonging to the respondents was sold in favour of the appellant. They executed a sale-deed in his favour. The recent dispute occurred regarding another land.

8. It is apparent that appellant in his application under Section 173(4) BNSS has not disclosed the earlier negotiations and transactions which had been taken place between the parties. So far as the present dispute is concerned, the same requires an inquiry. In these circumstances, this Court is of the opinion that instead of dismissing the application of the appellant under Sections 173(4) BNSS, the learned trial court should have converted the said application into the complaint in order to verify the

allegations mentioned in the application.

9. Accordingly, this criminal appeal is **allowed**. The **impugned order** dated 17.10.2025 passed by the learned Special Judge (SC / ST Act), Prayagraj in Misc. Application No. 1047 of 2025 (Jainendra Kumar Vs. Madhup Agrawal & Ors.) **is set aside** and the concerned trial court is directed to pass a fresh order in light of the observations made in the judgment.

(Anil Kumar-X,J.)

March 18, 2026
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