



2026:AHC:66589

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 3231 of 2026

Manju Devi

.....Appellant(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Appellant(s)	:	Priya Ranjan Tiwari, Sarvendra Dwivedi, Yogendra Pati Tripathi
Counsel for Respondent(s)	:	G.A.

Court No. - 53

HON'BLE ABDUL SHAHID, J.

1. Heard learned counsel for the appellant/complainant.
2. The present criminal appeal has been filed against the impugned order dated 05.02.2026 passed by the learned Court of Special Judge, S.C./S.T. (P.A.) Act, Auraiya, in Criminal Misc. Application No.535 of 2025 (Manju Devi Vs. Ram Shankar Prajapati & others), U/s 173(4) of B.N.S.S., related to Police Station Bidhuna, District Auraiya, by which the learned Trial Court has rejected the application u/s 173 (4) of B.N.S.S. of the appellant.
3. The application under section 173(4) B.N.S.S. has been filed by the appellant/complainant against the opposite party no. 1 (Ram Shankar Prajapati), opposite party no. 2 (Kaushalya) and opposite party no. 3(Kamla). It has been alleged that the incident was occurred on 11.12.2025 at 6.00 P.M. in the evening when the applicant and her daughter-in-law was alone at their house at that time the opposite parties with the common intention came and they were having lathi-danda, khurpi and hasiya in their hands and hurled abuses against them and entered into house of the complainant. They have addressed with the caste remarks and hurling abuses and they have beaten the complainant and her daughter-in-law (Malti). The opposite parties had pulled the saree worn by the complainant and her daughter in law. When the applicant and her daughter-in-law ran out of the house screaming for their lives, the opposite parties were assaulting them. Hearing their cries, villagers like

Shera, son of Charan Singh, and Radheshyam, son of Dulare, came and challenged the opposite parties. Then the opposite parties told the applicant, "You may have survived today, but they will not leave you alive." The villagers reported the incident to Dial 112, and the police station took the applicant and her daughter-in-law to the Government Hospital in Bidhuna by ambulance, where the doctors referred them due to their serious condition. The applicant subsequently filed a complaint with the Bidhuna Police Station, but no action was taken. The applicant sent a complaint regarding this incident to the Superintendent of Police, Auraiya, via registered post on December 22, 2025, but no action has been taken to date.

4. The applicant has filed an injury report along with her complaint, which records contusions, abrasions, and complaints of pain all over the body. The report is dated 11.12.2025, which is the same date as the alleged incident.

5. The learned trial court has passed a detailed order and, in paragraph no. 4 of the impugned order, has held that there is a dispute between the parties regarding possession of land in the village, where the opposite parties have constructed six *Naands* approximately 40 years ago. The applicant claims the land on which the *Naands* exist to be her ancestral property but has not provided any documentary evidence. On the other hand, the opposite party, Ramshankar Prajapati, has stated that the land was purchased by his father on 29.08.1948 from Indramani Pandey, son of Chandra Mani Pandey, on a stamp paper of Rs. 101, and a photocopy thereof has been filed as proof for perusal.

6. It is further alleged that, with regard to the incident, Mrs. Kaushalya, wife of Ramshankar, filed a written complaint at Police Station Bidhuna on 11.12.2025, and the husband of the complainant, Ram Pratap, was arrested by the said police station.

7. The learned trial court has virtually conducted a mini trial at the stage of registration of the complaint. At this stage, the learned trial court is only required to examine whether a *prima facie* case is made out. Any meticulous appreciation of evidence or conducting a mini trial is not

permissible.

8. In view of the above, the impugned order dated 05.02.2026 is liable to be set aside and is accordingly set aside. The learned trial court is directed to decide afresh the application under Section 173(4) B.N.S.S. filed by the appellant/complainant, preferably within 30 days from today, in accordance with law.

9. The criminal appeal is allowed accordingly.

(Abdul Shahid,J.)

March 30, 2026

K.K. Maurya