



2026:AHC-LKO:22506

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

APPLICATION U/S 528 BNSS No. - 1236 of 2026

Vishal Rawat

.....Applicant(s)

Versus

State Of U.P. Thru. The Prin. Secy. Home Deptt.
Civil Sectt. Lko. And 7 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Anjani Kumar Srivastava
Counsel for Opposite Party(s)	:	G.A.

Court No. - 15

HON'BLE BRIJ RAJ SINGH, J.

1. The present application has been filed seeking setting aside the order dated 24.02.2026 passed by the Sessions Judge, Lucknow in Criminal Revision No.249 of 2025, Vishal Rawat Vs. Renu Rawat and others, and the order dated 01.04.2025 passed by the Special Chief Judicial Magistrate (Custom), Lucknow in Criminal Misc. Case No.823 of 2025 with a further prayer to direct the concerned opposite parties to register an FIR in appropriate sections against opposite parties no.4 to 8.

2. In view of the order proposed to be passed, issuance of notice to opposite parties no.4 to 8 is dispensed with as they are not aggrieved at this stage.

3. The facts, in brief, are that applicant is a resident of Fatehganj, Mohan Road, Police Station Para, District Lucknow and is a less educated person and his livelihood is depending upon the agricultural resources. Grandfather of the applicant, namely, Dulare S/o Bhoop was the tenure holder of Khasra No.110, area 0.5290 hectares with transferable rights, situated at Village Sarosa Bharosa, Pargana Kakori, Tehsil Sarojini Nagar, District Lucknow. It is said that father of the applicant died during the life time of the grandfather of the applicant and the applicant being grandson with his mother looked after Dulare, therefore, after his death, the land in question was recorded in the name of the applicant. Grandfather of the applicant during his life time also executed a Registered Will Deed of his all movable and immovable property in favour

of the applicant on 11.12.2007. He died on 05.02.2016.

4. It is further said that after the death of his grandfather, name of the applicant was entered in the revenue record vide order dated 27.03.2019 passed by the concerned Naib Tehsildar. However, suddenly on 23.06.2024 at about 9.30 A.M. when the applicant went to his filed, opposite party no.4, Renu Rawat, who is said to be a land mafia, D/o Jagdish Rawat along with 10-12 male and female persons came at the aforesaid place for the purpose of grabbing the land of the applicant and erected a board in the name and style as "Renu Rawat President". When the applicant and his family members objected the said act, they started abusing the applicant and his family members and also extended the threats for facing dire consequences. It is said that Renu Rawat is a land mafia and is a history sheeter and her business is to grab the property of innocent persons by preparing forged and fabricated sale deeds in collusion with the employees of the Central Archives, Lucknow.

5. It is further said that for the purpose of grabbing applicant's property, Renu Rawat has prepared a forged and fabricated sale deed dated 30.12.1988 in collusion with the employees of the Central Archives, Lucknow allegedly executed by Dulare, grandfather of the applicant, in favour of Ram Naresh through guardian Budhai and Ram Chandra and Satya Vir Yadav were shown as marginal witnesses and alleged to be registered on 05.03.1989 in the office of the Sub-Registrar, Lucknow, which is mentioned in Book No.1, Volume No.581, Page Nos.305 to 306 at Serial No.1015. In the aforesaid alleged sale deed, permanent address of Ram Naresh has been shown as Village Kathingra, Police Station Kakori, District Lucknow though at the time of execution of the alleged sale deed, he was permanently residing at Village Ghuramau, Tehsil Hassan Ganj, District Unnao. Further, Ram Naresh was also shown as minor while his date of birth was registered in the Family Register as 15.03.1963, meaning thereby that at the time of registration of the alleged sale deed, he was aged about 26 years. It is said that Ram Naresh, S/o Budhai had executed his land by way of registered sale deed in favour of one Smt. Phool Mati W/o Nankau Prasad on 10.06.2010, in which Ram Naresh has shown his permanent address as Village Ghuramau, Pargana Mohan, Tehsil Hassanganj, District Unnao and this fact itself shows that

at the time of alleged sale deed, Ram Naresh was residing at Village Ghuramau, Unnao and not at Village Kathingara, Lucknow. The other relevant fact is that Ram Chandra, first marginal witness, died much before the execution of the alleged sale deed, whereas Satya Veer Yadav, second marginal witness, was shown as permanent resident of Village Hafis Khera, Majra Kasmandikalan, Pargana and Tehsil Malihabad, Lucknow. However, the certificate issued by Panna Lal, Member of the Zila Panchayat, Lucknow on 01.10.2024 clearly mentioned that Satya Veer Yadav, S/o Ram Shankar Yadav was not the resident of the aforesaid village.

6. The applicant in order to know the veracity of the aforesaid alleged sale deed, moved an application for obtaining a certified copy of the same on 17.08.2024 and on 05.09.2024 the application was returned back with an endorsement that since the Volume (Zild) in question is old one, the pages were not found in seriatim and in case it is found in future, the same will be provided. Thereafter, the applicant moved applications for registration of the FIR before the concerned Police Station and to the Commissioner of Police, Lucknow on 06.09.2024. When no action taken by the concerned authorities, on 13.09.2024 the applicant again moved an application before the Additional Deputy Commissioner of Police (West), Lucknow annexing the alleged copy of the sale deed 30.12.1988 and other relevant documents through Registered Post mentioning therein all the relevant facts and requested for registration of the FIR against the erring persons, on which the application of the applicant was sent to the Assistant Commissioner of Police, Kakori, Lucknow for conducting a preliminary enquiry. In pursuance of the aforesaid, the Assistant Commissioner of Police, Kakori, Lucknow wrote a letter along with a copy of the alleged sale deed to the In-charge, Record Keeper, Central Archives, Lucknow on 22.10.2024 seeking clarification that whether the alleged sale deed dated 30.12.1988 was registered on 05.03.1989 and the same was issued from your office or not. If the same is issued, the details be provided along with your report. In pursuance of the letter dated 22.10.2024, In-charge, Record Keeper, Central Archives, Lucknow sent his reply on 04.11.2024 to the Assistant Commissioner of Police, Kakori, Lucknow mentioning therein that on the aforesaid date, certified copy of the alleged sale deed has not been issued. It is further said that though in

the preliminary inquiry conducted by the Assistant Commissioner of Police, Kakori, Lucknow, it has been found that certified copy of the alleged sale deed has not been issued from the concerned, but no FIR has been lodged by the concerned police authorities.

7. It is further said that Renu Rawat has obtained power of attorney on behalf of Ram Naresh to contest the case and signed on Vakalatnama on his behalf on 06.02.2024 and the same was registered on 07.02.2024 before Sub Registrar (Pancham), Lucknow. Further, on the very same day i.e. 06.02.2024, a forged sale deed was executed by Ram Naresh in favour of Renu Rawat regarding the land situated at Village Sarosa Bharosa of Khasra No.110, area 0.5290 hectares. On the basis of the aforesaid sale deed, the sale deed dated 30.12.1988 was registered before the Sub-Registrar, Sarojini Nagar, Lucknow without verifying the fact that name of the executor i.e. Ram Naresh was ever registered in the khatauni or not. The question remains that in absence of the applicant, who is the original owner of the land in question and his name has already been entered in the khatauni, how Ram Naresh can execute a sale deed in favour of Renu Rawat of the aforesaid land.

8. It is further said that regarding grabbing of the land of the applicant through forged and fabricated sale deed, a news was published in the daily newspaper 'Nav Bharat Times' on 18.12.2024. Further, on 03.03.2023 an F.I.R. was lodged against Renu Rawat and her father Jagdish in Case Crime No.53 of 2023, under Sections 406, 420, 504 and 506 IPC at Police Station Kakori, Lucknow, in which after investigation, charge sheet has been filed against them. One Ismile S/o Deen Mohammad has also registered an F.I.R. on 09.03.2022 against Renu Rawat and two other persons in Case Crime No.116 of 2022, under Sections 352, 388, 504 and 506 I.P.C. at Police Station Kakori, Lucknow stating therein that Renu Rawat demanded Rs.5,00,000/- from him as *Rangdari* if he wants to do work in that area, otherwise she will falsely implicate him under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and in rape case.

9. Counsel for the applicant has specifically pleaded and pointed out that Annexure-13 is the letter of the Assistant Commissioner of Police,

Kakori, Lucknow dated 22.10.2024 addressed to the In-charge, Record Keeper, Central Archives, Registration Building, Lucknow, seeking clarification that whether registration of the alleged sale deed dated 30.12.1988 was ever done by the competent authority and if so, to make available the relevant record. In pursuance of the aforesaid letter dated 22.10.2024, In-charge, Record Keeper, Central Archives, Lucknow has sent a letter to the Assistant Commissioner of Police, Kakori, Lucknow mentioning therein that photocopy of the sale deed dated 30.12.1988 does not bear the signature and the same was also not issued by the office. It is further mentioned that seal of the “*Satyamev Jayte*”, which is being affixed on the back side of the sale deed, was also not there. It is submitted that from the evidence on record, it is apparent that Renu Rawat in order to grab the land of the applicant had committed the offence by executing a forged sale deed alleged to be executed by the grandfather of the applicant, for which the applicant has filed an application under Section 173(4) of Bharatiya Nagarik Suraksha Sanhita, 2023 before the Magistrate for registration of an FIR against Renu Rawat, but the Magistrate concerned instead of passing an order for registration of the FIR, treated the application as complaint, which in the eyes of law is illegal and deserves to be set aside. In support of his contention, counsel for the applicant has placed reliance upon the following judgements:-

- 1. Application U/s 482 No.1073 of 2026, Dharmendra Kumar Yadav Vs. State of U.P. and others, decided on 09.02.2026;***
- 2. Application U/s 482 No.24716 of 2024, Mukesh Kharwar Vs. State of U.P. and others, decided on 02.09.2024;***
- 3. Application U/s 482 No.37804 of 2022, Jafar Abbas Zaidi Vs. State of U.P. and others, decided on 25.01.2023;***
- 4. Application U/s 482 No.44622 of 2019, Rakesh Vs. State of U.P. and another, decided on 09.12.2019.***

10. Heard learned counsel for the parties and perused the record.

11. Considering the entire facts as narrated above; the fraudulent activity

of Renu Rawat in preparation of the forged sale deeds in order to grab the land of innocent persons in connivance with the employees of the department concerned; the report of the Central Archives regarding the registration of the forged sale deeds and also the report of the police authorities, the matter requires thorough investigation and inquiry by the police, therefore, treating the application as complaint by the Magistrate concerned would no suffice to meet the ends of justice. Therefore, the impugned orders deserve to be set aside.

12. Application is accordingly ***allowed*** and the order dated 24.02.2026 passed by the Sessions Judge, Lucknow in Criminal Revision No.249 of 2025, Vishal Rawat Vs. Renu Rawat and others and the order dated 01.04.2025 passed by the Special Chief Judicial Magistrate (Custom), Lucknow in Criminal Misc. Case No.823 of 2025, are hereby set aside. The Magistrate concerned is directed to reconsider the case in the light of the observations and factual aspect as discussed above and pass an appropriate order in accordance with law within a period of six weeks from the date of production of a certified copy of this order.

(Brij Raj Singh,J.)

March 31, 2026

Rao/-