



2026:AHC:127146

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 5698 of 2026

Samta Singh

.....Appellant(s)

Versus

State Of U.P. And 6 Others

.....Respondent(s)

Counsel for Appellant(s)	:	Raghuraj Singh
Counsel for Respondent(s)	:	G.A.

Court No. - 44

HON'BLE SAMIT GOPAL, J.

1. List revised.

2. Heard Sri Raghuraj Singh, learned counsel for the appellant and Sri Gyan Prakash Singh, learned counsel for the State and perused the record.

3. This criminal appeal under Section 14A(1) of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in short "S.C./S.T. Act") has been filed by the appellant- Samta Singh, with the prayer to allow this appeal and set-aside the order dated 22.04.2026 passed by learned Special Judge SC/ST Act, Firozabad in Criminal Misc. Application No. 237 of 2026 (Samta Singh Vs. Kailash Chandra) under Section 173(4) B.N.S.S., Police Station South, District Firozabad, and further may be direct the Station House Officer, Police Station South, District Firozabad to lodge the immediately F.I.R. against the Opposite Party No. 2 to 7. And / or pass any other and further order which this Hon'ble Court may deem fit and proper in the circumstances of the case.

4. The facts of the case are that an application under Section 173(4) B.N.S.S. dated 23.06.2026 was filed by the appellant Samta Singh against Kailash Chandra Yadav, Smt. Kunjawati, Munendra Yadav @ Nandu, Yogendra Pal Singh, Sonu Bhardwaj and Rajat Tomar alleging therein as under:-

(i) She lives in Firozabad and is a Jatav by caste.

(ii) She runs a factory at the backside of the house of Naval Singh Yadav on a rent of Rs. 15,000/- per month of which rent is paid monthly to Naval Singh Yadav. In the factory a tin shade of 800 sq. feet, about 800 sq. feet of wooden ceiling frame, two aluminum gates with glass, two iron gates, a submersible pump were installed by her on her expenses which are still installed.

(iii) Till 31.12.2024 she had paid the rent to Naval Singh Yadav but his son Kailash Chandra Yadav came inside the factory and by placing his legs on the table he consumed liquor and started abusing her and tortured her. She opposed it and even the workers of factory opposed it then Kailash Chandra Yadav started sending messages on her mobile and whatsapp.

(iv) On 11.01.2025 Kailash Chandra Yadav demanded Rs. 50,000/- from her on which she stated that she has paid the entire rent after which he became angry and used caste related abuses and stated that she has to give him Rs. 1000/- per day for liquor otherwise the factory would not run. He states that he was caught under electricity theft and has been fined for Rs. 50,000/- which has to be deposited by her.

(v) He because of the said reason locked the gate of the factory from inside and went from the rear gate due to which work in the factory stopped. The labours came to the factory but had to return back. On discussions he did not let them enter inside and kept the keys with him.

(vi) Kailash Chandra Yadav in conspiracy and under a desire wanted to take possession of the factory and thus threatened her many times after which Rajaram and Sachin the brothers of the complainant contacted police and a compromise dated 19.10.2025 was drawn at the police chowki.

(vii) On 14.11.2025 the complainant sent an application to the S.S.P., Firozabad by speed-post which was sent by him to the A.S.I. on which she and her brothers were called along with Kailash Chandra Yadav and asked to abide by the terms of Kailash Chandra Yadav. It was stated that the order of the S.S.P. would not have any effect since he is the in-charge of the police station.

(viii) On 15.01.2026 at about 6:30 PM when she went towards her factory she found that an auto-rickshaw and a battery rickshaw were parked at the rear gate and Sunil was loading pieces of glass on them. At the place Kailash Chandra Yadav and his wife were standing and getting items loaded. On asking the wife of Kailash Chandra Yadav stated that the material of the factory has been sold for Rs. 35,00,000/- by her husband and the same is being loaded.

(ix) Information about the same was immediately given on 112 police helpline after which police help was provided. On the police coming there Kailash Chandra Yadav and his wife ran from the place to their house which was in front of the back gate of the factory. When the police entered inside the factory they found liquor bottles and food items present. Glass was also found scattered in it. On asking the wife of Kailash Chandra Yadav stated that her

husband has sold the factory of Samta Ji for Rs. 35,00,000/-.

(x) Information about the said incident was given through an application on 15.01.2026 at about 08:30 PM at the police station after which she was sent to the police chowki. Till 29.01.2026 at about 10:00 PM she was running from police station to police chowki but her case was not registered and the A.S.I. told her to withdraw the application and abide by the terms of Kailash Chandra Yadav. He stated that Kailash has told him that if a case is registered then he along with his children would commit suicide.

(xi) At the time of incident the informant had called police through 112 no. and after arrival of the police they had recovered the glass present there and took Kailash Chandra Yadav to the police station but neither was he made an accused nor the said material was shown as recovered material and taken possession and even the report was not lodged as Kailash Chandra Yadav had conspired with the police and shared money with them. After 15 days a first information report as Case Crime No. 102 / 2026, Police Station South, under Sections 305, 317(2) B.N.S. was lodged and some material was shown to be recovered and without proper investigation and interrogation of the accused they were sent to jail. The police had shown recovery of material of only Rs. 30,000/- and sent the accused Kailash to jail. The other material of the factory was not found in possession and handed over to the complainant but the statement was recorded as per the Investigating Officer. Charge-sheet has also been filed in the concerned court.

(xii) On 29.01.2026 till about 09:00 PM the complainant was present at the police station but the case was not lodged after which at about 10:00 PM a complaint was made to the D.G.P. and then on 30.01.2026 at about 00:37 AM her first information report was registered and the remaining material was shown to be recovered and Kailash Chandra Yadav was arrested. Out of the material of Rs. 35,00,000/- only material of Rs. 30,000/- was shown to be recovered and statement of the victim under Section 180 B.N.S.S. was not recorded as per her version and neither any videography of it was done. Thus it is clear that the police and the accused and the corporator of the area are in conspiracy and have shared the amount of Rs. 35 Lakhs within themselves.

(xiii) She has given various applications to the S.S.P., Firozabad personally and through post but no action has been taken.

(xiv) The matter is serious in nature and punishable under B.N.S.

(xv) The court has jurisdiction to entertain the application.

(xvi) The prayer made in the said application thus be allowed and the In-

charge Police Station Tundla, District Firozabad be directed to register a case under the appropriate sections and lodge a first information report and investigate the same.

5. The said application was taken up by the court concerned and a police report was called on which it was reported that a first information report has been lodged as Case Crime No. 0102 / 2026, under Sections 305 B.N.S. which has been investigated and on 05.02.2026 a Charge-Sheet No. 87 / 2026 has been filed against Kailash Chandra Yadav and Smt. Kunjawati @ Manisha. The said application stood dismissed vide order dated 22.04.2026 passed by the Special Judge (SC/ST Act), Firozabad. This appeal has been filed thus against the said order with the prayers aforesaid.

6. The further facts of the case are that a first information report was lodged on 30.01.2026 as Case Crime No. 0102 / 2026, under Sections 305 B.N.S., Police Station South, District Firozabad by Samta Singh against Kailash Chandra and Smt. Kunjawati alleging therein that on 15.01.2026 at about 6.30 PM when she went towards her factory she saw that at the rear gate towards the gali one auto-rickshaw and a battery rickshaw was being loaded with pieces of glass and Kailash and his wife were present who were getting the material loaded. On asking they told her that her factory has been sold for Rs. 35,00,000/- and its material is being loaded. She immediately informed the police on 112 police helpline and police help was provided. On seeing the police coming Kailash and his wife went to their house which was in front of rear gate of the factory. When the police came inside the factory they found bottle of liquor and some food item present and glass was scattered. Her report be lodged and action be taken.

7. Learned counsel for the appellant submitted that the appellant is the complainant of the present case. It is submitted that the appellant had although lodged a first information report initially but her true statement was not recorded by the Investigating Officer at the behest of the opposite party nos. 2 & 3 nor any videography was done during recording of her statement under Section 180 B.N.S.S., paragraph 15 of the affidavit has been placed before the Court. It is submitted that the opposite party nos. 5 to 7 are police personnels who have illegally supported the opposite party nos. 2 & 3 and have shown only recovery of Rs. 30,000/- but the entire material sold was of Rs. 35,00,000/- and the opposite party no.4 who is a corporator of the area also supported the accused opposite party nos. 2 & 3 in their illegal deeds, paragraph 14 of the affidavit has been placed. It is submitted that the opposite party nos. 2 to 7 have grabbed the property of the complainant worth around Rs. 35,00,000/- and committed a cognizable offence, paragraph 16 of the affidavit has been placed. It is submitted that the investigation in the

first information report previously lodged is partial and biased and thus the present complaint has been moved. It is submitted that thus the present appeal be allowed and the order impugned be set-aside and the prayer as prayed for be granted.

8. Learned counsel for the State vehemently opposed the prayer and submissions of learned counsel for the appellant and submitted that the appellant is the complainant who had moved an application dated 26.03.2026 under Section 173(4) B.N.S.S. which has been rejected by a detailed and a speaking order dated 22.04.2026 by the court concerned. It is submitted that the view taken by the court concerned is a proper and a legal view which does not call for any interference. It is submitted that the allegations in the present complaint are the same for which initially a first information report was lodged on 30.01.2026 by the appellant as Case Crime No. 0102 / 2026, under Sections 305 B.N.S. which was investigated and a charge-sheet has been filed against the two accused therein namely Kailash Chandra and Smt. Kunjawati. It is submitted that now the present complaint has been filed with the same allegations but increasing the number of accused in as much as the local coporator Munendra Yadav @ Nandu has been made as accused-respondent no.3 therein, Yogendra Pal Singh the S.H.O., Police Station South, Firozabad as respondent no.3 therein, Sonu Bhardwaj the A.S.I., Chowki the then Chowki In-charge Industrial Area, Police Station South, Firozabad as respondent no.4 therein and Rajat Tomar the Chowki In-charge Industrial Area, Police Station South, Firozabad as respondent no.5 have also been arrayed as respondent nos. 4 to 7 in the present appeal. It is submitted that the filing of the present complaint which is a second complaint is with material improvement by levelling the same vague allegations against the newly added accused which raises a doubt over the genuineness of the prosecution and thus the view taken by the court concerned is just and proper. It is submitted that the present appeal is devoid of any merit and deserves to be dismissed.

9. After hearing the learned counsel for the parties and perusing the records, it is evident that the appellant is the complainant in the present case. Initially the complainant / appellant had lodged a first information report as as Case Crime No. 0102 / 2026, under Sections 305 B.N.S. on 30.01.2026 against Kailash Chandra and Smt. Kunjawati. The said matter was investigated and a charge-sheet has been submitted against them. Subsequently she has moved an application under Section 173(4) B.N.S.S. dated 26.03.2026 against the said two charge-sheeted accused and also against four other persons who have been newly arrayed as accused. In the said application although two accused have been arrayed as respondent no.3 but the same hardly makes any

difference. The allegations in the said application under Section 173(4) B.N.S.S. basically relates to the same which is the subject matter of the previous first information report. The further allegations are material improvements which raises doubt over the genuineness of the prosecution as the said facts were missing in the first information report. The complainant / informant not being satisfied with the investigation appears to have filed the present application under Section 173(4) B.N.S.S. In so far as the first information report is concerned, the investigation in the matter has concluded and a charge-sheet has been submitted which shall be considered by the court concerned where she would get an opportunity to contest. The filing of the second complainant with material improvement raises doubt over the genuinity of the prosecution. The Apex Court in the case of ***Bhikhubhai Govindbhai Patel & Anr Vs. The State of Gujarat & Anr.: 2026 INSC 532*** has considered such a situation and quashed the first information report in the said matter. Even further a second prosecution for the same offence cannot be held maintainable. The lodging of multiple First Information Reports for the same offence are barred. Reference is taken to the judgement of the Apex Court in the cases of ***T.T. Antony Vs. State of Kerala: (2001) 6 SCC 181, Surender Kaushik Vs. State of U.P.: (2013) 5 SCC 148, Anju Chaudhary Vs. State of U.P.: (2013) 6 SCC 384*** and ***Awadhesh Kumar Jha @ Akhilesh Kr. Jha Vs. State of Bihar: (2016) 3 SCC 8***. In the present matter the order impugned is a well speaking and a detailed order going on the merits of the matter. There is no ground for interference in it.

10. The present appeal is ***dismissed***.

June 15, 2026
AS Rathore

(Samit Gopal,J.)