



2026:AHC:124751

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 12107 of 2024

Suresh

.....Appellant(s)

Versus

State Of U.P. And 5 Others

.....Respondent(s)

Counsel for Appellant(s)	:	Amit Pandey, Vijay Pratap Singh
Counsel for Respondent(s)	:	Anand Prakash Dubey, G.A., Prashant Kumar Dubey

Court No. - 1

HON'BLE MADAN PAL SINGH, J.

1. Heard learned counsel for the appellant and the learned A.G.A. for the State. Despite the fact that case is called out in the revised list, nobody is present on behalf of the opposite party no.2.

2. This criminal appeal under Section 14-A (1) of S.C./S.T. Act has been preferred by the appellant with a prayer to set-aside the order dated 6th September, 2024 passed by the Special Judge (S.C./S.T. Act), Muzaffar Nagar in Complaint Case No. 22 of 2022 (Suresh Vs. Chiranjilal) under Sections 423, 323, 295, 147, 504, 506 I.P.C. and Section 3 (1) (X) of S.C./S.T. Act, Police Station-Bhopa, District-Muzaffar Nagar whereby the complaint case filed by the appellant has been rejected.

3. In the statement recorded under Section 200 Cr.P.C., it is the case of the appellant/complainant that the appellant/complainant has stated that he had obtained leasehold land from Brahmadas alias Brahm Singh, bearing Khasra No. 250 but no sale deed had been executed in his favour in writing in that regard. Brahmadas had told him that leasehold land could not be transferred through a sale deed. Brahmadas belonged to the Chamar caste, and the land had been given to him on lease. He himself also belongs to the Chamar caste. Chiranji Lal (opposite party no. 2 herein) is the son of Brahmadas. Chiranji Lal executed a sale deed of the said land in favour of Rajendra Kumar Jat on 24.08.2021. The complainant had already filed a civil suit to secure his possession over the said land. There was no construction on the land; it is agricultural land. The sale deed executed by Chiranji Lal is a registered one but no permission was obtained by him for executing the said sale deed. Permission was obtained by Chiranji Lal by showing the land as abadi (residential land). Possession over the said land is still with the complainant. The complainant has filed a civil suit for cancellation of the registered sale

deed executed by Chiranji Lal. On 28.08.2021, while the complainant was working on the said land, Chiranji Lal, Rajendra (opposite party nos. 2 and 3 respectively) and others accompanying them asked him to vacate the land while addressing him as “Chamar” and “Gittal” (caste-related abuses). Chiranji Lal and Subodh (opposite party nos. 2 and 4 respectively) assaulted him with two sticks. Sons of the complainant rescued him. His sons were not assaulted. He sustained injuries but did not get any medical examination conducted. His main grievance is that these persons have executed a registered sale deed of the land in question. The father of Chiranji Lal had given him a written document regarding the land on a stamp paper, though no formal proceedings were conducted before the Tehsil authorities.

4. Learned counsel for the appellant submits that the land bearing Khasara no. 250/1 area 0.0310 hectares of land has been executed by the father of opposite party no.2, namely, Brahamdas @ Biram Singh through an unregistered sale-deed dated 15th June, 1992 and since then, the appellant being legal owner is in possession over same. Learned counsel for the appellant further submits that as per the allegations made in the complaint as well as in the statements recorded under Sections 200 and 202 Cr.P.C., cognizable offence is made out against the appellant, but the trial court without considering the material available on record and proper inquiry has rejected complaint filed by the appellant under the impugned order. Such order rejecting the complaint of the appellant is wholly illegal, erroneous and against the legal provisions of law contained in Section 200 and 202 Cr.P.C.

5. Per contra, learned A.G.A. has opposed the submissions made by the learned counsel for the appellant by contending that there is no illegality or infirmity in the order passed by the trial court while rejecting the complaint case filed by the appellant.

6. I have considered the facts and circumstances of the case, submissions made by the learned counsel for the appellant and the learned A.G.A. and perused the material available on record including the impugned order.

7. From perusal of the complaint case filed by the appellant/complainant as well as in the statements of complainant and his witnesses recorded under Sections 200 and 202 Cr.P.C., it is admitted that the land bearing Khasara no. 250/1 area 0.0310 hectares of land has been executed by the father of opposite party no.2, namely, Brahamdas @ Biram Singh through an unregistered sale-deed dated 15th June, 1992 and no registered agreement or sale-deed had been executed in the favour of the complainant. Mode of payment for registration of the said unregistered sale-deed has also not been disclosed on behalf of the appellant. It is also admitted from the record that

neither any documentary evidence nor any oral evidence has been brought on record by the appellant on the basis of which he can claim himself to be owner of the said land and because of the same, the name of the complainant could not be recorded in the relevant revenue record over the said land. It is also admitted by the learned counsel for the appellant that no stay order regard the possession or right or title over the said land has ever been passed in favour of the complainant by any competent court of law. It is also admitted that in the relevant revenue record, the name of father of opposite party no.2 was recorded over the said land till the date when the opposite party no.2 has executed a sale-deed qua the land in dispute infavour of Rajendra Prasad Jat (opposite party no.3), because the father of the opposite party no.2 had expired and the opposite party no.2 being son had every right or title to sell the said land.

8. The aforesaid fact reveals that the dispute between the appellant and opposite party nos. 2 to 6 are civil in nature rather than criminal. The present complaint case is also a civil case and by means of the same, an attempt is being made to exaggerate it into a criminal one. In support of the above finding, the trial court has relied upon the judgment of the Hon'ble Supreme Court of India in the case of **Indra Mohan Goswami v. State of Uttaranchal**, reported in *AIR 2008 SC 251*, wherein it has been held that criminal proceedings should not be allowed to be filed to exert pressure in civil cases.

9. The trial court while rejecting the complaint case filed by the appellant has recorded that a dispute regarding land is pending between the complainant and the opposite parties, and a civil suit concerning the same is also pending. There are material contradictions in the statements of the witnesses examined by the complainant. Witness Kamlesh stated that the incident occurred at 8:00 a.m., whereas the other witnesses stated that it occurred at 11:00 a.m. It appears that, in connection with the ongoing land dispute between the parties, the complainant has exaggerated the facts while presenting them before the Court. On the basis of such finding, the trial court has rejected the complaint case filed by the appellant while passing the impugned order.

10. In view of the above analysis, facts, and evidence, this Court finds that the trial court while rejecting the complaint case filed by the appellant has committed no error, as such, the same is liable to be affirmed.

11. Consequently, the present appeal lacks merit and is, hereby, dismissed.

June 2, 2026
Sushil/-

(Madan Pal Singh,J.)