

**Court No. - 29**

**Case :-** CRIMINAL APPEAL No. - 878 of 2024

**Appellant :-** Surendra Kumar

**Respondent :-** State Of U.P. Thru. D.M. Lakhimpur Kheri And 6 Others

**Counsel for Appellant :-** Sadhu Sharan Chaubey, Salil Kumar Srivastava

**Counsel for Respondent :-** G.A.

**Hon'ble Ajay Bhanot, J.**

Heard Sri Salil Kumar Srivastava, learned counsel for the appellant and learned AGA for the State.

This criminal appeal under Section 14-A (1) Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act has been preferred by the appellant with the prayer to set aside the rejection order dated 01.03.2024 passed by the learned Special Judge SC/ST Act/Additional Sessions Judge, Lakhimpur Kheri, in Criminal Misc. Case No. 37 of 2024 (Surendra Kumar Vs Gurudeep Singh and others) whereby application under Section 156(3) Cr.P.C. has been rejected.

The learned trial court has found that there are material contradictions in the application made by the applicant/appellant. Further the applications sent to the police authorities has not been appended and that service upon the police could not be established. The applicant had failed to establish his status as a member of scheduled caste community before the trial court. Nothing has been shown from the record to establish any perversity in the finding of the trial court. The trial court cannot mechanically allow the application under

Section 156 (3) Cr.P.C. and has to apply its mind to the facts and circumstances of the case before it.

This obligation of considering facts and circumstances of the case before directing registration of proceedings under Section 156 (3) Cr.P.C. prevents abuse of process of court and also precludes unscrupulous litigations harassing innocent persons.

The trial court in the instant case passing the impugned order has prevented abuse of process of court.

Lastly the trial court has noticed that the criminal proceedings have been instituted for leverage in a land dispute between the parties.

The appeal is dismissed.

**Order Date :-** 14.3.2024

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