



2026:AHC:23940

HIGH COURT OF JUDICATURE AT ALLAHABAD

MATTERS UNDER ARTICLE 227 No. - 5553 of 2025

Jaswant Singh

.....Petitioner(s)

Versus

State Of U.P. And 6 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Gyanendra Kumar Singh
Counsel for Respondent(s)	:	G.A.

Court No. - 89

HON'BLE DIVESH CHANDRA SAMANT, J.

1. Heard Sri Gyanendra Kumar Singh, learned counsel for the petitioner; learned AGA for State and perused the material available on record.

2. Present petition has been filed with the following prayers to :-

"(a). set aside the impugned order dated 20.03.2024, passed by the Chief Judicial Magistrate, Farrukhabad in complaint Case No.1135 of 2024, (Jaswant Singh versus Sualal and others), Police Station Maudarwaja, District Farrukhabad and impugned order dated 26.09.2024, passed by Special Judge, Dacoity Affected Area, Third Additional District & Sessions Judge, Farrukhabad in Criminal Revision No.61 of 2024, (Jaswant Singh versus State of U.P. and others) (Annexure Nos.01 and 02 to the petition) and further directed the learned Magistrate to summon the accused/respondents and to face the trial under the proper sections on the basis of allegations made in the complaint by the petitioner.

(b). issue any other writ, order or direction in favour of the petitioner, which this Hon'ble Court may deem fit and proper under the facts and circumstances of the case.

(c). award the costs of petition in favour of the petitioner."

3. Brief facts given rise to the present case are that the petitioner has filed an application under Section 156(3) Cr.P.C. with the allegation that the petitioner has ancestral agricultural land and a residential house situated at Nagla Gulariya. At present, the petitioner is residing along with his family in Pune (Maharashtra). The petitioner is 60% visually impaired. The petitioner's brother, Sualal, is a person of criminal disposition. Petitioner's brother, Sualal along with his associates Rajendra Singh, Jaswant, Arvind

Rajput and Ravendra Singh fraudulently executed sale deeds of the petitioner's agricultural land and share of the ancestral house without any consideration. Taking advantage of the petitioner's blindness, they took him to Tehsil and got the said sale deeds executed. With the deliberate intention of causing loss to the petitioner, they supported Sualal out of greed for money. On the pretext of getting a certificate prepared to enable the petitioner to receive benefits under the Kisan Samman Nidhi scheme, they took the petitioner to the Tehsil, two or three times and got sale deeds executed of the entire ancestral property. Maya Devi, wife of Sualal, was also involved in the said acts. When the petitioner came to know from the villagers that all his property had been sold by these persons, he questioned them regarding the same. Thereupon, all the accused persons threatened to kill him and stated that if he took any action in future, even his dead body would not be traceable. The petitioner is under serious and imminent threat to his life and property from the aforesaid accused persons. In relation to the fraudulent grabbing of the petitioner's property and the threats to his life, the petitioner approached the Police Station for registration of an FIR; however, his report was not registered. Thereafter, the petitioner sent a written complaint by registered post to the Superintendent of Police, Farrukhabad, on 07.02.2023. Despite this, no action has been taken, due to which the petitioner has approached the Court below and filed application under Section 156(3) Cr.P.C. and the said application has been treated as complaint. After registering the said application as complaint, recorded the Statements under Sections 200 and 202 Cr.P.C. thereafter, by impugned order dated 20.03.2024, learned Chief Judicial Magistrate, Farrukhabad has rejected the said complaint. Being aggrieved the petitioner has filed the revision and the same has also been rejected by impugned order dated 26.09.2024 by Special Judge, Dacoity Affected Area, Third Additional District & Sessions Judge, Farrukhabad. Hence the present petition.

4. Learned counsel for the petitioner submits that petitioner is 60% visually impaired and presently he is residing in Pune. His brother along with his associates fraudulently executed the sale deed of his agricultural land as well as share of the ancestral house and threatened to kill him if he took any action in future. It is further submitted that the learned Magistrate has dismissed the complaint in a summary manner which is not sustainable in the eyes of law and not considered the facts of the case. The judgement cited by the learned Magistrate is not applicable in the petitioner's case because petitioner's case is different nature and it is not a civil dispute whereas it is a

forgery nature. It is further submitted that the impugned orders have been passed by the Courts below are illegally, arbitrary, without application of judicial mind because the Courts below have ignored the documentary evidence available on record as well as statements of the witnesses and treating the petitioner's case as civil nature.

5. Learned AGA has opposed the aforesaid arguments and submitted that the impugned orders are just and proper, therefore, there are no need to interfere.

6. A perusal of the impugned orders reveals that the petitioner in his complaint stated that petitioner's brother-Sualal along with his associates fraudulently executed the sale deed of his agricultural land as well as share of the ancestral house and threatened to kill him if he took any action in future. A perusal of the record also reveals that the petitioner in his own complaint and statement under Section 200 Cr.P.C. do not specify the date on which the private opposite parties have executed the sale deed, nor has a copy of the deed been filed with the Court below. The petitioner in his own complaint and statement under Section 200 Cr.P.C. also do not mention the date on which he became aware that the private opposite parties had executed the sale deed of his agricultural land and ancestral house. The complainant has already filed a suit in the civil court to cancel the deed in question. It appears prima facie that the case is civil in nature. The present case involves a property dispute between the petitioner and the private opposite parties and going through the impugned order dated 20.03.2024, passed by learned Magistrate on the complaint and order dated 26.09.2024, passed by Additional District & Sessions Judge, it shows that both the Courts below after due analysis of all the documents produced on the record and assigned cogent reasons in passing the orders and rightfully rejected the complaint as well as the criminal revision preferred by the petitioner.

7. In the petition before this Court, the petitioner could not succeed to raise any ground to interfered with the orders passed by the Courts below, therefore, the petition is liable to be dismissed.

8. Accordingly, the petition is devoid of merit and is accordingly dismissed.

February 4, 2026

I.A.Siddiqui

(Divesh Chandra Samant,J.)