



2026:AHC:41871

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 4729 of 2024

Poonam Chaudhary And Another

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Revisionist(s)	:	Braj Mohan Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 87

HON'BLE ABDUL SHAHID, J.

1. Heard learned counsel for the revisionists and Sri Nitesh Srivastava, learned A.G.A. for the State.
2. The instant criminal revision has been filed against the impugned chargesheet no.312/2023 dated 17.09.2023 including charge framing order dated 12.04.2024 passed by the learned Special Judge S.C./S.T. Act, Jhansi in S.T. No. 479/2024 State vs. Abhishek Kumar and others, in case crime no. 0282/2023 Under Section 3, 5(1) of The Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021, Police Station Prem Nagar, District Jhansi.
3. Learned counsel for the revisionists submits that the learned trial court has failed to consider the effect and operation of Section 4 of the Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021 (hereinafter referred to as the "Act, 2021" for the sake of brevity). It is further submitted that, as per the specific provision of Section 4 of the Act, 2021, the FIR is required to be lodged strictly by the persons specifically mentioned therein and not by a third person. In the present case, the FIR has allegedly been lodged in violation of Section 4 of the Act, 2021.
4. It is also contended that the learned trial court has failed to consider the material available on record along with the charge sheet, which, according to the revisionists, does not disclose any material or legal evidence against them. The impugned charge-framing order dated 12.04.2024 has been passed in a routine and mechanical manner. No independent witness of the alleged place of incident has been examined, and even the statement of the

aggrieved person has not been properly and specifically recorded at the spot.

5. Learned counsel further submits that a political activist, namely Anchal Adjoriya, is alleged to have informed opposite party no. 2 about the incident, though he is neither a resident of the place of occurrence nor has he been made the informant in the present case. The alleged place of incident is the residence of the revisionists, where they were imparting education to illiterate persons under the scheme of "Praun Shiksha." It is also submitted that there is no financial transaction reflected in the alleged accounts of the revisionists and no proof of any unlawful conversion. The revisionists have been falsely implicated due to political enmity. Therefore, it is argued that the impugned charge sheet, including the charge-framing order dated 12.04.2024, is bad in the eyes of law and is liable to be quashed.

6. Learned counsel for the revisionists has contended that the FIR dated 29.07.2023 was lodged by Inspector Anand Singh against Foster Abhishek Kumar, Poonam Chaudhary (Revisionist No. 1), Santosh Kumar Chaudhary (Revisionist No. 2), Foster Austin Smith, and Foster Roshni Lal. After investigation, the charge sheet was filed on 17.09.2023, and thereafter charges were framed on 12.04.2024. He has further contended that the FIR could not have been lodged by the Inspector, as he was not competent to do so under the relevant provision of law. Therefore, the charge sheet dated 17.09.2023 and the charge-framing order dated 12.04.2024 are liable to be set aside.

7. Learned counsel for the revisionist has placed reliance on Section 4 of the Act, 2021. Section 4 provides that information relating to the contravention of the provisions of the Act may be given by any person, and such information shall be furnished in the manner prescribed under Chapter XIII of the B.N.S.S., 2023. He further contends that the said provision was incorporated by way of U.P. Act No. 7 of 2024, Section 2, dated 6.8.2024 (with effect from 06.08.2024).

Section-4 Act, 2021 "Person competent to lodge First Information Report. [An information relating to the contravention of the provisions of the Act may be given by any person and the manner of giving such information shall be the same as given in Chapter XIII of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Act No. 46 of 2023).]"

Prior to its substitution, Section 4 reads as under:

"Any aggrieved person, his/her parents, brother, sister, or any other person who is related to him/her by blood, marriage or adoption may lodge a First Information Report of such conversion which contravenes the provisions of Section 3."

8. Therefore, learned counsel for the revisionist has submitted that since the FIR was lodged on 29.07.2023, the unamended provision of Section 4 of the Act, 2021, as it stood prior to its amendment/enforcement dated 06.08.2024, would apply. It is contended that, under the then prevailing Section 4, the FIR could be lodged only by an aggrieved person. However, in the present case, the FIR dated 29.07.2023 was lodged by an Inspector, who does not fall within the definition of an "aggrieved person" as provided under the unamended Section 4 of the Act, 2021.

9. Section 3 of the Act, 2021 is as follows:

Prohibition of conversion from one religion to another religion by misrepresentation, force, fraud, undue influence, coercion, allurement.-(1) *No person shall convert or attempt to convert, either directly or otherwise, any other person from one religion to another by use or practice of misrepresentation, force, undue influence, coercion, allurement or by any fraudulent means. No person shall abet, convince or conspire such conversion:*

Explanation. For the purposes of this sub-section conversion by solemnization of marriage or relationship in the nature of marriage on account of factors enumerated in this sub-section shall be deemed included.

(2) *If any person re-converts to his immediate previous religion, the same shall not be deemed to be a conversion under this Act.*

Explanation. For the purposes of this sub-section immediate previous religion means the religion in which the person had faith, belief or was practiced by the person voluntarily and freely.

10. Section 397. Calling for records to exercise powers of revision.—(1) The High Court or any Sessions Judge may call for and examine the record of any proceeding before any inferior Criminal Court situate within its or his local jurisdiction for the purpose of satisfying itself or himself; to the

correctness, legality or propriety of any finding, sentence or order, recorded or passed, and as to the regularity of any proceedings of such inferior Court, and may, when calling, for such record, direct that the execution of any sentence or order be suspended, and if the accused is in confinement that he be released on bail or on his own bond pending the examination of the record.

Explanation.—All Magistrates, whether Executive or Judicial, and whether exercising original or appellate jurisdiction, shall be deemed to be inferior to the Sessions Judge for the purposes of this sub-section and of section 398.

(2) The powers of revision conferred by sub-section (1) shall not be exercised in relation to any interlocutory order passed in any appeal, inquiry, trial or other proceeding. (3) If an application under this section has been made by any person either to the High Court or to the Sessions Judge, no further application by the same person shall be entertained by the other of them.

11. Section 401. High Court's powers of revision.—(1) In the case of any proceeding the record of which has been called for by itself or which otherwise comes to its knowledge, the High Court may, in its discretion, exercise any of the powers conferred on a Court of Appeal by sections 386, 389, 390 and 391 or on a Court of Session by section 307, and, when the Judges composing the Court of Revision are equally divided in opinion, the case shall be disposed of in the manner provided by section 392.

(2) No order under this section shall be made to the prejudice of the accused or other person unless he has had an opportunity of being heard either personally or by pleader in his own defence.

(3) Nothing in this section shall be deemed to authorise a High Court to convert a finding of acquittal into one conviction.

(4) Where under this Code an appeal lies and no appeal is brought, no proceeding by way of revision shall be entertained at the instance of the party who could have appealed.

(5) Where under this Code an appeal lies but an application for revision has been made to the High Court by any person and the High Court is satisfied that such application was made under the erroneous belief that no appeal lies thereto and that it is necessary in the interests of Justice so to do, the High Court may treat the application for revision as a petition of appeal and deal with the same accordingly.

12. Learned counsel for the revisionist has further placed reliance upon the judgment of the **Hon'ble Supreme Court rendered in Writ Petition (Crl.) No. 123 of 2023, *Rajendra Bihari Lal and another vs. State of U.P. and others*, reported as 2025 INSC 1249.** Particular reliance has been placed on Question No. VI formulated and decided therein.

Whether the FIR No. 224/2022, having been lodged at the instance of a complainant other than a person prescribed under the unamended Section 4 of the U.P. Conversion Act, is liable to be quashed on that ground alone?

13. He further relied on paragraph nos. 116, 117, 119 and 134 which are as follows:

116. We are inclined to adopt the reasoning as assigned in **Ashok Kumar Sharma (supra)** as discussed above for the simple reason that the U.P. Conversion Act, being a special legislation, has prescribed certain special procedural norms as distinguished from the Cr.P.C. It is a settled position of law that the intention of the legislature should be construed from the plain text of the statute, and if the plain interpretation does not result into any absurdity or is not unworkable, then the courts should not depart from the meaning which is manifest from the plain text. It is only in cases where the text does not speak for itself, or more than one interpretation is possible, that the courts should resort to tools of statutory interpretation. In the case in hand, the words employed by the legislature in the unamended Section 4 of the U.P. Conversion Act are abundantly indicative of the intent of the legislature to only allow a certain specified category of persons to make a complaint for the violation of Section 3 of the said Act. Thus, we find no good reason to take the view that despite being a special legislation, Section 154 of the Cr.P.C. should be given primacy over Section 4 of the U.P. Conversion Act. We are also not inclined to accept the submission of the learned AG that Section 4 is a mere declaration and not a contradiction from the general scheme of Section 154 of the Cr.P.C. for the simple reason that when the legislature has enacted special and more stringent provisions as regards other aspects covered by the said legislation, then a clause restricting the scope of initiation of prosecution under the same enactment cannot be casually construed as a mere surplusage. The specific declaration in Section 4 cannot be understood as a mere procedural nicety but has to be given its intended meaning to ensure that it fits in with the overall scheme of prosecution provided under the said legislation.

117. It is manifest from a plain reading of the statutory scheme of the unamended Section 4 that the initiation of prosecution for the alleged offence of illegal religious conversion stands circumscribed and may be set in motion only at the behest of the aggrieved individual or, in the alternative, by his or her immediate family members or blood relatives. The underlying rationale for such a restriction, in our opinion, is rooted in the recognition that the freedom to profess, practice, or propagate religion, and concomitantly the liberty to renounce or embrace a faith of one's choice, is a facet of the fundamental rights guaranteed under Articles 21 and 25 of the Constitution respectively. This liberty lies in the innermost domain of human conscience and decisional autonomy. To permit the initiation of criminal proceedings at the instance of strangers or unrelated third parties would amount to an impermissible intrusion into this protected sphere of individual freedom and would open the door to frivolous or motivated litigation, thereby diluting the constitutional guarantees of personal liberty and freedom of religion. As discussed above, this Court in *Shafin Jahan (supra)* underscored that the right to choose a faith or partner is intrinsic to the dignity and autonomy of the individual.

(119) It is not in dispute that FIR No. 224/2022 came to be lodged at the behest of a person who does not fall within any of the categories specified under the unamended Section 4 of the U.P. Conversion Act. It would not be out of place to mention that one of the seven categories illustratively mentioned by this Court in **Bhajan Lal (supra)** pertains to the FIRs similar to FIR No. 224/2022. The said category, in the words of this Court, reads thus:

"(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party."

134. In such circumstances, we are of the considered view that the only course that would meet the ends of justice is to quash the said FIR as well as all consequential legal proceedings emanating therefrom in exercise of the powers conferred on this Court by Article 32 of the Constitution.

14. Sri Nitesh Srivastava, learned A.G.A., has submitted that the FIR was lodged on 29.07.2023, the charge sheet was filed on 17.09.2023, and the

charge-framing order was passed on 12.04.2024. He contends that the informant had reached the spot and, on the basis of the recovery memo, lodged the FIR in question.

15. He has further submitted that one of the accused, Roshini Ahirwar, had preferred an Application under Section 482 No. 43180 of 2023 before this Hon'ble High Court, which was dismissed vide order dated 13.02.2024. In the said application, the applicant had prayed for quashing of the charge sheet dated 17.09.2023, the summoning order dated 26.09.2023, as well as the entire proceedings of Criminal Misc. Case No. 1442 of 2023 (State of U.P. vs. Abhishek Kumar and Others), arising out of Case Crime No. 282 of 2023, under Sections 3 and 5(1) of the U.P. Prohibition of Unlawful Conversion of Religion Act, 2021, pending before the court of the Additional Chief Judicial Magistrate (Court No. 1), Jhansi.

16. Learned counsel for the revisionists has vehemently argued that the entire proceedings are void *ab initio*. There is a specific provision under Section 4 of the Act, 2021, which provides that only an aggrieved person may lodge a First Information Report in respect of a conversion that contravenes the provisions of Section 4 of the Act, 2021. In the present case, the First Information Report was lodged by an Inspector, who is not an aggrieved person within the meaning of Section 4 of the Act, 2021. Any aggrieved person has not lodged the First Information Report. Therefore, the entire criminal proceeding has been initiated on the basis of a First Information Report lodged contrary to the basic provision and mandate of Section 4 of the unamended Act. The Amendment under Section 4 of Act, 2021 is w.e.f 06.08.2024.

17. The Hon'ble Supreme Court, in **Rajendra Bihari Lal and another (supra)**, as discussed in paragraph 117, has observed that that it is manifest from a plain reading of the statutory scheme of the unamended Section 4 that the initiation of prosecution for the alleged offence of illegal religious conversion stands circumscribed and may be set in motion only at the behest of the aggrieved individual or, in the alternative, by his or her immediate family members or blood relatives. The underlying rationale for such a restriction, in our opinion, is rooted in the recognition that the freedom to profess, practice, or propagate religion, and concomitantly the liberty to renounce or embrace a faith of one's choice, is a facet of the fundamental rights guaranteed under Articles 21 and 25 of the Constitution respectively.

This liberty lies in the innermost domain of human conscience and decisional autonomy. To permit the initiation of criminal proceedings at the instance of strangers or unrelated third parties would amount to an impermissible intrusion into this protected sphere of individual freedom and would open the door to frivolous or motivated litigation, thereby diluting the constitutional guarantees of personal liberty and freedom of religion. It is further held in paragraph 119 that it is not in dispute that FIR No. 224/2022 came to be lodged at the behest of a person who does not fall within any of the categories specified under the unamended Section 4 of the Act, 2021. It is also held in paragraph 120 that in addition to the legal infirmity going to the very root of the validity of FIR No. 224 of 2022, even upon a detailed perusal of the Case Diary and the chargesheet filed by the investigating authority, we fail to understand as to how the offences alleged in the FIR are made out against the accused persons.

18. In the said case, it has unequivocally been held that the FIR was not lodged by an aggrieved person, as mandated under the statutory scheme of the unamended Section 4 of the Act, 2021. The very genesis and foundation of the prosecution are, therefore, contrary to the legislative intent and the express mandate of the statute. The issue strikes at the very root of the validity and maintainability of the FIR. No plausible explanation has been advanced before this Court to take a view contrary to the law laid down by the Hon'ble Supreme Court in **Rajendra Bihari Lal and another (supra)**.

19. Accordingly, the present criminal revision, filed under Section 397 read with Section 401 Cr.P.C., deserves to be allowed.

20. Consequently, the entire proceedings arising out of Charge-sheet No. 312/2023 dated 17.09.2023, including the charge-framing order dated 12.04.2024 passed by the learned Special Judge, S.C./S.T. Act, Jhansi, in S.T. No. 479/2024 (State vs. Abhishek Kumar and others), Case Crime No. 0282/2023, under Sections 3 and 5(1) of the Uttar Pradesh Prohibition of Unlawful Conversion of Religion Act, 2021, Police Station Prem Nagar, District Jhansi, are hereby set aside.

21. The Criminal Revision is hereby **allowed**, accordingly.

February 24, 2026
M. Tarik

(Abdul Shahid,J.)