



2026:AHC:43726

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 7285 of 2025

Bihari Lal

.....Revisionist(s)

Versus

State Of U.P. And 2 Others

.....Opposite
Party(s)

Counsel for Revisionist(s) : Lal Mani Singh, Raghuvir Sharan Singh

Counsel for Opposite Party(s) : G.A., Sunil Kumar Singh

Court No. - 91

HON'BLE GARIMA PRASHAD, J.

1. The present criminal revision has been filed challenging the judgment and order dated 08.09.2025 passed by the Chief Judicial Magistrate, Chitrakoot Dham in Misc. Case No. 488 of 2025, whereby the application moved by the revisionist under Section 175(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 156(3) CrPC) was rejected.

2. The case of the revisionist, in brief, is that he is the owner of Arazi No. 2423 measuring 0.170 hectare, situated at Village Bhaisaundha, Tehsil Karbi, District Chitrakoot. It is alleged that the said land has been illegally occupied by opposite party no.2 at the instance of opposite party no.3, who is the real brother of the revisionist.

3. The revisionist states that he was engaged in business at Kanpur Nagar and upon visiting his village in June 2025, he discovered that opposite party no.2 was in occupation of the land and had constructed a shop thereon and was running business from the same. Upon inquiry, opposite party no.2 informed him that he had purchased the property from opposite party no.3. The revisionist thereafter submitted complaints to various authorities including the Chief Minister of the State, Commissioner, Chitrakoot Dham, Superintendent of Police, Chitrakoot, and Sub-Divisional Magistrate, Karbi, seeking registration of an FIR.

4. A written complaint dated 14.08.2025 was submitted before the Superintendent of Police, Chitrakoot alleging that on 31.07.2025 at about 2:30 p.m., opposite party nos. 2 and 3 assaulted and threatened the revisionist stating that if he returned to the village he would be killed and buried. It was further alleged that opposite party no.2 made caste-related remarks and threatened to implicate the revisionist in false cases. One Lovely is stated to be an eyewitness

and several villagers allegedly gathered and attempted mediation.

5. The revisionist claims that after the said incident he approached Bharatkoop Police Station, but no action was taken. He again approached the Superintendent of Police and other authorities on 11.09.2025, yet no FIR was registered. Consequently, an application under Section 175(3) BNSS was filed before the Chief Judicial Magistrate.

6. The learned Chief Judicial Magistrate called for a police report. As per the police report, a residential structure of opposite party no.2 has been existing on the disputed land for more than 30 years, and opposite party no.2 claims purchase of the property from opposite party no.3 about 36 years back for a consideration of Rs.7,500/-. The report further notes absence of any recorded verbal altercation or threats during June 2025. After considering the police report and material placed on record, the learned Magistrate recorded a finding that the dispute essentially pertains to land ownership and possession and does not disclose sufficient criminality so as to warrant registration of FIR, and accordingly rejected the application on 08.09.2025.

7. Learned counsel for the revisionist assailed the impugned order on the ground that the Magistrate dismissed the application mechanically despite allegations of assault, cheating and forgery, emphasizing that revenue records do not reflect any transfer and no registered sale deed exists. Learned counsel for the State and the opposite parties supported the impugned order contending that the dispute is civil in nature, possession is longstanding, and the criminal proceedings are an afterthought after decades.

8. This Court has carefully considered rival submissions and perused the record.

9. It is well settled that power under Section 156(3) CrPC / Section 175(3) BNSS is discretionary. The Magistrate is not bound to direct registration of FIR merely because cognizable offences are alleged and must apply judicial mind before exercising such power. The Supreme Court in **Priyanka Srivastava v. State of U.P., (2015) 6 SCC 287** has categorically held that invocation of Section 156(3) cannot be mechanical or routine endorsement of the complaint but must be exercised with judicial mind.

10. In the present case, the dominant controversy relates to title and possession over Arazi No. 2423. Opposite party no.2 asserts purchase and possession for more than three decades, while the revisionist disputes the transfer on the basis of absence of mutation and registered sale deed. These issues directly concern ownership and legality of transfer of immovable property, which fall within the

domain of competent civil or revenue courts.

11. The Supreme Court in **Indian Oil Corporation v. NEPC India Ltd., (2006) 6 SCC 736** has cautioned that a purely civil dispute should not be permitted to be converted into a criminal case and that criminal proceedings cannot be used as a shortcut for enforcing civil rights. Further, in **Mohammed Ibrahim v. State of Bihar, (2009) 8 SCC 751**, it was held that disputes relating to title or possession of immovable property do not constitute offences of cheating or forgery unless fraudulent intention is shown from inception and specific forged documents are identified.

12. In the present matter, no particular forged document has been identified, nor is there material showing dishonest intention at the inception of the alleged transaction. Allegations of cheating and forgery are general in nature and lack particulars. Therefore, the learned Magistrate rightly treated the land dispute as predominantly civil.

13. Coming to the alleged incident dated 31.07.2025, it is evident from the complaint itself that the incident arose when the revisionist objected to possession over the disputed land. The alleged assault and threats are thus intertwined with the property dispute. No contemporaneous medical evidence, injury report, or independent documentary corroboration has been placed on record. The police report also does not confirm any prior record of threats or altercation.

14. The Supreme Court in **State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335**, has held that criminal proceedings instituted primarily to settle civil disputes or exert pressure fall within the category of abuse of process. The alleged land transaction is stated to be more than 35–36 years old, which militates against any theory of fraudulent intention at inception.

15. The revisionist has placed reliance upon the recent judgment of the Hon'ble Supreme Court in **Kathyayini v. Sri Sidharth P.S. Reddy & Ors. (2025 INSC 818)**. However, the said judgment is clearly distinguishable on facts. In *Kathyayini*, the Supreme Court found specific and contemporaneous material disclosing prima facie criminality independent of the civil dispute, including clear allegations of deception and fraudulent conduct, thereby warranting police investigation. In the present case, on the contrary, the core controversy pertains to ownership and possession of immovable property extending back more than three decades. No specific forged document has been identified, no material indicating dishonest intention at the inception of the alleged transaction has been placed on record, and the alleged incident dated 31.07.2025 is inseparably intertwined with the property dispute and unsupported by

contemporaneous medical or independent evidence. Thus, unlike *Kathyayini*, the present matter does not disclose independent or overwhelming elements of criminality so as to mandate registration of FIR under Section 175(3) BNSS. Accordingly, the reliance placed by the revisionist on the aforesaid judgment is misplaced.

16. Although allegations of assault and intimidation are made, the Magistrate is not bound to order FIR in every such case. Where police investigation is not found necessary at the threshold, the Magistrate may decline Section 156(3), and the complainant remains free to pursue remedies under Chapter XV CrPC. In the facts of the present case, having regard to the overwhelmingly civil nature of the dispute and the incident being incidental thereto, this Court finds no legal necessity to direct conversion into a complaint case. The revisionist remains at liberty to avail appropriate remedies in accordance with law.

17. The impugned order reflects due application of mind. The Magistrate called for a police report, considered the allegations including the incident of 31.07.2025, examined the nature of dispute, and recorded reasons for declining registration of FIR. In revision, interference is warranted only where there is perversity, illegality or jurisdictional error. No such infirmity is demonstrated.

18. In view of the foregoing discussion, this Court finds that the dispute is predominantly civil and revenue in character, the alleged incident dated 31.07.2025 is incidental thereto and unsupported by contemporaneous material, and the learned Chief Judicial Magistrate has exercised judicial discretion properly.

19. Accordingly, the criminal revision lacks merit and is dismissed.

(Garima Prashad,J.)

February 13, 2026
Sachin Mishra