2026:AHC:228850

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 3926 of 2026

Babalu Rathore And 3 Others

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Anupam Shukla, Dwarika Prasad Shukla
Counsel for Opposite Party(s)	:	G.A.

Court No. - 79

HON'BLE MADAN PAL SINGH, J.

1. Heard the learned counsel for the applicants and the learned A.G.A. for the State. Despite the fact that notice has already been served upon opposite party no.2 as per office report dated 9th September, 2026, no one appears for him/her today even in the revised reading of the list.

2. The present application under Section 528 B.N.S.S. has been filed by the applicant for quashing of the impugned charge-sheet dated 15th October, 2020, cognizance/summoning order dated 21st July, 2025, bailable warrant dated 9th October, 2025 as well as the entire proceedings of Criminal Case No. 5768 of 2021 (State of U.P. Vs. Babalu & Others), arising out of Case Crime No. 188 of 2020 under Sections 452, 504 and 506 I.P.C., Police Station-Line Par, District-Firozabad, pending in the Court of Additional Civil Judge (Junior Division)-I, Firozabad.

3. Brief facts of the case is that the First Information Report dated 19th September, 2020 has been lodged by O.P, no.2/complainant Smt. Munni Devi against the applicants. The formal record of the first information report registered at police station Linepar, district Firozabad, under Sections 452, 504, and 506 of the Indian Penal Code, encapsulates a grievance lodged by Smt. Munni Devi. The FIR document registers that an unoccupied plot of land situated in Mauja Prempur Raipura became the focal point of a land dispute, wherein local administrative authorities had previously affixed a notice board declaring the property as disputed following attempts of illegal encroachment by anti-social elements. The narrative recorded in the FIR further states that named individuals, specifically Babloo and Sukhlal, brazenly uprooted and discarded the official warning board placed by the local magistrate. According to the contents of the FIR, the situation aggravated when revenue officials visited the property for verification on September 11, 2020, and the accused persons subjected the informant to abusive language. The FIR details that on

September 12, 2020, the accused persons namely Babloo, Sukhlal, Meena Rathore, and Bhanu forcibly trespassed into the informant's residence, hurled filthy abuses at her and the community, and issued direct threats of elimination to deter her from pursuing the matter. The informant asserts within the FIR that local police officials failed to take adequate action upon her initial complaint, instead letting the accused depart after a casual compromise. Consequent upon the written information submitted to higher authorities including the Superintendent of Police, Firozabad, the formal FIR No. 0188 was entered into the station records on September 19, 2020, at 09:30 hours. The recorded particulars in the FIR indicate that investigation into these allegations of criminal house trespass, insult, and intimidation.

4. Following the registration of the case, the formal investigation was officially entrusted to the concerned Investigating Officer for further statutory proceedings. Ultimately, the investigation proceeded and upon completion of the same, the Investigating Officer has submitted the charge-sheet against the applicant on which the cognizance has been taken and the applicant has been summoned, hence the present application has been filed.

5. The contention of the learned counsel for the applicants is that the applicants are innocent. The the allegations made in the present first information report implicating the applicants with other accused are false and fabricated. The present first information report lodged by opposite party no.2 is nothing but a bundle of lie and the same has been lodged only for exploiting the applicants by indulging their names in a fake, false and frivolous case. The entire prosecution story as unfolded in the first information report is absolutely a self-made story projected by opposite party no.2.

6. It is further submitted that Somwati who is purchaser of plot no.132 had made an attempt to take physical possession forcefully over plot no. 127 of which the applicants are owner and she has also initiated proceedings under Section 145/146 Cr.P.C.bearing Case No. 2 of 2021 (new case no. 687 of 2024). During the pendency of the said proceedings, applicant no.2 and his wife, namely, Smt. Rajbiti have filed Civil Suit No. 345 of 2023 which is pending consideration before the Court of Civil Judge (Senior Division), Firozabad. Due to pendency of the same, the proceedings imitated under Sections 145/146 Cr.P.C. had been suspended by the City Magistrate, Firozabad vide order dated 28th November, 2024. Since the informant, who is a social worker, in collusion of Somwati, who is a witness in the instant charge-sheet, has initiated the present criminal proceedings against the applicants in order to grab some money from them. Except the informant and Somewati with whom civil litigation is going on with the applicants, no other witness support the allegation made by the informant that the applicants have

forcefully entered into her house of the informant. As such, no case under Sections 452 I.P.C. is made out against the applicants. It is further submitted that neither from the perusal of the first information report nor from the statements of the witnesses including the informant, it is not cropped up as to what specific abusive language has been used by the applicants and also as to what such types of threats have been extended by the applicants. Further more, nothing incriminating material like any weapon has been recovered from the possession or pointing out from the applicants by the Investigating Officer during the course of trial. Therefore, no case under Sections 504 and 506 I.P.C. is made out against the applicants as the ingredients of said offences are completely missing in the facts of the present case.

7. On the above premise, learned counsel for the applicant urges that since no direct or indirect evidence is available on record against the applicant, therefore, no case for the alleged offence is made out against him and also since the present criminal case gives a criminal colour to a civil dispute by the informant at the behest of Somwati, the same cannot be legally sustained and is liable to be quashed.

8. Per contra, learned A.G.A. and the learned counsel for opposite party no.2 have contented that from the allegations made in the First Information Report cognizable offence is made out against the applicants. The defence of the applicants cannot be taken into consideration, at this stage. Therefore, the applicant does not deserve any indulgence. However, they could not dispute the fact that civil ligation is pending between the applicant no.2 and the witness of instant charge-sheet, namely, Somewati.

9. I have considered the facts and circumstances of the case, the submissions made by the learned counsel for the applicants, learned counsel for opposite party no.2 and the learned A.G.A. for the State and gone through the records of the present criminal application.

10. Having heard learned counsel for the parties and perused the material available on record, this Court finds that neither the F.I.R. nor the statement of the informant discloses any specific abusive words allegedly used by the applicant. It appears that only a heated argument took place between the parties. To constitute an offence under Section 504 I.P.C., the intentional insult must be of such a nature that it is likely to provoke the person insulted to break the public peace or commit any other offence. In the present case, the essential ingredients of the offence under Section 504 I.P.C. are not made out against the applicant.

11. Similarly, to constitute an offence under Section 506 I.P.C., there must be

a threat of injury to the person, reputation or property of another, coupled with the intention to cause alarm. A perusal of the F.I.R. shows that the dispute arose out of a minor issue regarding the cleaning of a drain. In the absence of any specific material disclosing a threat coupled with an intention to cause alarm, the essential ingredients of the offence of criminal intimidation are not made out against the applicant.

12. The Hon'ble Supreme Court in **Manik Taneja v. State of Karnataka, 2015 (7) SCC 423**, has held that mere expression of words, without any intention to cause alarm, would not be sufficient to constitute an offence of criminal intimidation.

13. A similar view has recently been reiterated by the Hon'ble Supreme Court in **Tuhin Kumar Biswas v. State of West Bengal, 2025 SCC OnLine SC 2604,** wherein the Court held as under:

"Further, in order to constitute an offence of criminal intimidation punishable under Section 506 IPC, it must be shown that the person charged threatened another with injury to his person, reputation or property, or to the person or reputation of anyone in whom that person is interested, with intent to cause alarm. Except for the bald allegation that the appellant-accused intimidated the complainant by clicking her photographs, the FIR and chargesheet are completely silent about the manner in which the complainant was threatened with any injury to her person or her property. The words, if any, uttered by the complainant are not mentioned in the FIR. Consequently, even if the allegations in the FIR are taken at face value, the ingredients of the offence of criminal intimidation are not attracted."

14. The Apex Court in the case of **Mohammad Wajid & Another Vs. State of U.P. & Others** reported in 2023 0 Supreme (SC) 690 has opined that mere abuse, discourtesy, rudeness or insolence, may not amount to an intentional insult within the meaning of Section 504 IPC if it does not have the necessary element of being likely to incite the person insulted to commit a breach of the peace of an offence and the other element of the accused intending to provoke the person insulted to commit a breach of the peace or knowing that the person insulted is likely to commit a breach of the peace. Each case of abusive language shall have to be decided in the light of the facts and circumstances of that case and there cannot be a general proposition that no one commits an offence under Section 504 IPC, if he merely uses abusive language against the complainant. In support whereof, the Apex Court has relied upon the judgment of a Division Bench of Bombay High Court in the case of **King Emperor v. Chunnibhai Dayabhai, (1902) 4 Bom LR 78,** wherein it has been held that:-

"*To constitute an offence under Section 504 I.P.C. it is sufficient if the insult is of a kind calculated to cause the other party to lose his temper and say or do something violent. Public peace can be broken by angry words as well as deeds."*

(Emphasis supplied)

15. The Apex Court has further opined that a bare perusal of Section 506 of the IPC makes it clear that a part of it relates to criminal intimidation. Before an offence of criminal intimidation is made out, it must be established that the accused had an intention to cause alarm to the complainant. In the facts and circumstances of the case and more particularly, considering the nature of the allegations levelled in the FIR, a prima facie case to constitute the offence punishable under Section 506 of the IPC may probably could be said to have been disclosed but not under Section 504 of the IPC. The allegations with respect to the offence punishable under Section 504 of the IPC can also be looked at from a different perspective. In the FIR, all that the first informant has stated is that abusive language was used by the accused persons. What exactly was uttered in the form of abuses is not stated in the FIR. One of the essential elements, as discussed above, constituting an offence under Section 504 of the IPC is that there should have been an act or conduct amounting to intentional insult. Where that act is the use of the abusive words, it is necessary to know what those words were in order to decide whether the use of those words amounted to intentional insult. In the absence of these words, it is not possible to decide whether the ingredient of intentional insult is present.

16. In view of the settled legal proposition of law, this Court finds that no case under Sections 504 and 506 is made out against the applicants as the ingredients of the said offence are completely missing in the facts of the present case.

17. So far as the allegation made by the informant that the applicants have forcefully entered into her house on the date of incident is concerned, this Court finds that except the statement of informant and charge-sheeted witness Somwati with whom civil litigation is pending with the applicants, no other witness or evidence supports the said allegation. Therefore, no case under Section 452 is also made out against the applicant.

18. Consequently, the entire proceedings of Criminal Case No. 5768 of 2021 (State of U.P. Vs. Babalu & Others), arising out of Case Crime No. 188 of 2020 under Sections 452, 504 and 506 I.P.C., Police Station-Line Par, District-Firozabad, pending in the Court of Additional Civil Judge (Junior Division)-I, Firozabad are quashed.

19. The present criminal application is, accordingly, **allowed.** There shall be no order as to costs.

November 3, 2026
Sushil/-

(Madan Pal Singh,J.)

Digitally signed by :-
SUSHIL KUMAR SINGH
High Court of Judicature at Allahabad