HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 7612 of 2026

Raghuveer Singh

.....Appellant(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Appellant(s)	:	Anil Kumar Bind
Counsel for Respondent(s)	:	G.A., Rewti Raman Patel

Court No. - 88

HON'BLE ABDUL SHAHID, J.

1. Heard learned counsel for the appellant and the learned AGA for the State.

2. The present criminal appeal has been preferred against the impugned order dated 4.7.2026, passed by learned Additional Sessions Judge, Court No.2/Special Judge (SC/ST Act), Farrukhabad in Criminal Misc. Case No. 1143 of 2026 (Raghuveer Vs. Jitendra Singh and another), whereby the application under Section 173(4) of BNSS has been directed to be registered as complaint case.

2. That brief facts of the case is that the appellant is a senior citizen and belongs to Scheduled Caste community. The appellant is owner and in peaceful possession of 1/4 share of agricultural land in Gata No. 703/4, situated at village Achhrauda, Police Station Merapur, District Farrukhabad. Learned counsel for the appellant has submitted that the said land is in the ownership of the appellant and his wife.

3. Learned counsel for the appellant has submitted that on 29.5.2026 at 5.00 am, respondent nos. 2 and 3 armed with a JCB machine, illegally entered the appellant's agricultural land and started excavating soil from the land of the appellant without any authority or consent. The excavated soil was being transported by tractor-trolly and used for filling around the walls of the respondents' residential premises. When the appellant objected to the illegal excavation, but the respondents paid no heed to his protest. Thereafter, wife of the appellant and son also reached the place of

occurrence.

4. It is submitted that on being restrained, respondent nos. 2 and 3 intentionally abused the appellant by using castiest remark in public view, insulted and humiliated him on account of his Scheduled Caste status, pushed him to the ground and criminally intimidated him by threatening that if he did not leave the place alongwith his wife and son, all of them would be buried alive in the pit that was excavated by the JCB machine. The respondents also openly proclaimed that the local police was under their influence, hence no action would ever be taken against them. It is further submitted that due to the illegal excavation, the appellant suffered financial loss of about Rs. 50,000/-. After commission of occurrence, the appellant reached the Station House Officer, Merapur, for registration of FIR in respect of said incident committed by the respondents. However, despite disclosure of serious offence under the BNS and the SC/ST Act, the police deliberately refused to register the FIR.

5. Learned counsel for the appellant has further submitted that after exhausting the statutory remedy before the police authorities, the appellant invoked the jurisdiction of the learned Additional Sessions Judge/Special Judge (SC/ST Act), Farrukhabad by filing an application under Section 173(4) of the BNSS, 2023 for a direction to the Station House Officer to register the FIR and conduct investigation into the cognizable offence committed by the respondents. It is further submitted that the learned Judge had called for a police report from the concerned police station. In the enquiry report dated 24.6.2026, the police has falsely submitted that the dispute was merely of civil nature relating to land and further stated that no caste related abuse, assault or criminal intimidation had taken place. The appellant filed a detailed objection dated 27.6.2026 specifically pointing out that the police enquiry was wholly biased, arbitrary and conducted under the influence of the accused persons.

6. Learned counsel for the appellant has submitted that despite specific allegation disclosing commission of cognizable offences, under the BNS as well as SC/ST Act and despite the material produced by the appellant, the learned Additional Sessions Judge, Court No.2/Special Judge, (SC/ST Act), Farrukhabad by impugned judgement and order dated 4.7.2026 has

erroneously declined to direct registration of the FIR and further converted the application under Section 173(4) of BNSS into a complaint under Section 210(1) (a) of BNSS and directed that it be registered as a complaint case. Challenging the said order, the present criminal appeal has been filed.

7. Learned counsel for the appellant has submitted that the learned Judge has failed to appreciate that the application filed by the appellant under Section 173(4) of BNSS discloses the commission of cognizable offence under BNS as well as under the SC/ST Act and once the cognizable offences were disclosed, the learned court ought to have directed for registration of the FIR instead of converting it into a complaint case. In passing the said judgement, learned Judge has relied upon the police enquiry report despite the appellant's specific objections that the enquiry was biased, arbitrary and conducted under the influence of respondents. He has further submitted that learned Judge has further failed to appreciate that the allegations of caste-based abuses, criminal intimidation, assault and illegal excavation of soil by a JCB machine required immediate police investigation for collection of evidence which could not effectively be undertaken in a private complaint proceeding. He further submitted that the learned trial court without properly applying his judicial mind, illegally and arbitrary treated the application under Section 173(4) of BNSS as a complaint although the allegations clearly disclosed the cognizable offences. The impugned order is liable to be quashed and the FIR is liable to be directed to be registered.

8. From the record, it appears that the entire facts is in the knowledge of the appellant. There is dispute about removal/digging of soil from the land. There is allegation of digging of soil from the land of the complainant/appellant. There is also allegation of castiest remarks and criminal intimidation. All these have has to be considered and requires investigation that whether any digging had been made on the land of the appellant and who had dag the soil.

9. In view thereof, the impugned order dated 4.7.2026, passed by learned Additional Sessions Judge, Court No.2/Special Judge (SC/ST Act), Farrukhabad in Criminal Misc. Case No. 1143 of 2026 (Raghuveer Vs.

Jitendra Singh and another), is hereby set aside. The FIR has to be registered and due investigation has to be done by the competent Investigating Officer. Learned trial court is directed to pass a fresh order about registration of the FIR in view of the above observations made by this Court.

10. The criminal appeal is **disposed of**.

(Abdul Shahid,J.)

October 29, 2026
sfa/

Digitally signed by :-
SYED FAHEEM AHMAD
High Court of Judicature at Allahabad