2026:AHC:226797

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 36260 of 2025

Rohan Singhal

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Abhinav Gaur, Vibhu Rai
Counsel for Opposite Party(s)	:	Atharva Dixit, Pranav Tiwary, Ashish Agrawal, G.A., Pooja Agarwal

Court No. - 79

HON'BLE MADAN PAL SINGH, J.

1. Heard Mr. Vibhu Rai, learned counsel for the applicant, Mr. Ashish Agrawal, learned counsel for opposite party no.2, Mr. Pranav Tiwary, learned counsel for opposite party nos. 3 and 4 and the learned AGA for the State are present.

2. By means of the present criminal application under Section 528 BNSS, the applicant prays for quashing the order dated 4th June, 2025 passed by the Additional District and Sessions Judge/Special Judge (E.C. Act), Prayagraj filed in Criminal Revision No. 146 of 2022 as well as the order dated 4th April, 2022 passed by the Chief Judicial Magistrate, Allahabad rejecting the application filed by the applicant under Section 156 (3) Cr.P.C. for registration of the first information report against the opposite party nos. 2 to 4 has been rejected.

3. Learned counsel for the applicant submits that only for dislodging the applicant from the property in dispute, the opposite party no.2 in collusion of opposite party nos. 3 and 4 had prepared a forged and fabricated compromise so entered into between opposite party no.2 and late Bipin Kumar Agarwal on 1st July, 2020. The said fabricated document was prepared prior to the death of Bipin Kumar Agarwal. When applicant came to know about the said forged and fabricated document, in order to substantiate the forgery the applicant has obtained a handwriting expert examination report on 22nd October, 2021. In the said report it has been reported that the signature of late Bipin Kumar Agarwal was forged. On the basis of such report, the applicant filed an application under Section 156 (3) Cr.P.C. for registration fo the first information report against opposite party nos.2 to 4. The concerned Magistrate has rejected the said application without application of mind under the order impugned dated 4th April, 2022 and no finding has been recorded by the concerned Magistrate about the such forged compromise. Against the said

order, the application filed criminal revision, which has also been dismissed ignoring the facts and allegations made by the applicant in his application under Section 156 (3) Cr.P.C., which is per se illegal and the same has been passed in a mechanical manner. He,t therefore, submits that both the orders impugned suffer from infirmity and illegality, therefore, the same are liable to be quashed.

4. Learned counsels for opposite party nos. 2 to 4 and learned A.G.A. have opposed the submissions made by the learned counsel for the applicant. Learned counsels for opposite party nos. 2 to 4 have submitted that for the same relied/prayer, the applicant has already filed counter claim in Civil Suit No. 106 of 2021, which is pending consideration before the competent court of law. They also submits that the contents of the application under Section 156 (3) relate to civil dispute therefore, the application under Section 156 (3) Cr.P.C. has rightly been rejected by the trial court and the same has rightly been affirmed by the revisional court. Therefore, no interference is warranted by this Court.

5. From a perusal of the impugned judgment, it transpires that the dispute between the parties relates to the property.

6. Relying upon the Three Judges Bench judgment of the Hon'ble Supreme Court in the Case **of Aleque Padamsee v. Union of India (AIR 2007 SC 684), the** Full Bench of this Court in **Father Thomas v. State of Uttar Pradesh, passed in Criminal Revision No. 1640 of 2001 decided on 22.12.2010** has held that even an application under Section 156(3) Cr.P.C. (now Section 173(4) BNSS) has been rejected, the remedy available to the appellant is to file a complaint case before the court concerned under Section 190 (1) (a) read with Section 200 of Cr.P.C. [now Section 210(1)(a) read with Section 223 of BNSS.]

7. In view of the above settled position of law, the proper remedy available to the applicant is to file complaint case under Section 210 (1)(b) read with Section 223 of BNSS.

7. Keeping in view the facts and circumstances of the case and the allegations made by the complainant, the order passed by the trial court is found to be correct in the eyes of law. No interference is warranted in the present case.

8. Accordingly, the Criminal application is **disposed of subject to the observations made above.**

November 2, 2026
Sushil/-

(Madan Pal Singh,J.)

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