2026:AHC:210732

HIGH COURT OF JUDICATURE AT ALLAHABAD

MATTERS UNDER ARTICLE 227 No. - 13275 of 2026

Veerendra Singh

.....Petitioner(s)

Versus

State Of Uttar Pradesh And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Amit Kumar Rajput, Sandeep Kumar Jaiswal
Counsel for Respondent(s)	:	G.A.

Court No. - 55

HON'BLE VIKRAM D. CHAUHAN, J.

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

2. The petition is filed with the following prayer:

"I- Issue an order or direction in the suitable nature set aside the impugned judgment and order dated 31.07.2026 passed by learned Additional Sessions Judge/Special Judge, Special Court No.1, (Anti-Corruption Act), Jhansi in Criminal Revision no. 115 of 2025 (Veerendra Singh Vs. State of U.P. and others) as well as the impugned judgment and order dated 05.05.2025 passed by learned Chief Judicial Magistrate, Jhansi in Criminal Misc. Case No. 901 of 2025 (Veerendra Singh Vs. Proprietor (unknown) and others), under Section 173(4) of BNSS, Police Station Kotwali, District Jhansi.

II- Issue an order or direction in the nature of mandamus directing the learned trial court to decide the application under section 173(4) of BNSS a fresh in Criminal Misc. Case No. 901 of 2025 (Veerendra Singh Vs. Proprietor (unknown) and others), under Section 173(4) of BNSS, Police Station Kotwali, District Jhansi."

3. It is submitted by learned counsel for petitioner that by impugned order dated 5.5.2026, the trial court has directed for treating the application under Section 173(4) BNSS as a complaint case. It is submitted by learned counsel for the petitioner that against the aforesaid order petitioner has filed revision and the same has been rejected.

4. Perusal of complaint would go to show that the dispute is to the effect

that petitioner had given a JCB machine and only part payment for consideration was made by opposite party as a result of same complaint has been lodged.

5. Perusal of the aforesaid order dated 5.5.2025 would go to show that the dispute is primarily a civil in nature.

6. This Court is of the considered view that the trial court as well as revisional court had incorrectly considered the facts and circumstances of the case.

7. Accordingly, the present petition is **allowed** and the impugned judgment and order dated 31.07.2026 passed by learned Additional Sessions Judge/Special Judge, Special Court No.1, (Anti-Corruption Act), Jhansi in Criminal Revision No.115 of 2025 (Veerendra Singh Vs. State of U.P. and others) as well as impugned judgment and order dated 05.05.2025 passed by learned Chief Judicial Magistrate, Jhansi in Criminal Misc. Case No. 901 of 2025 (Veerendra Singh Vs. Proprietor (unknown) and others), under Section 173(4) of BNSS, Police Station Kotwali, District Jhansi are hereby set aside. However, in respect of prayer no.2 is concerned, the same is rejected as the dispute is primarily a civil in nature.

October 8, 2026
D. Tamang

(Vikram D. Chauhan,J.)

Digitally signed by :-
DHIRENDRA TAMANG
High Court of Judicature at Allahabad