2026:AHC:209394

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 10291 of 2026

Rajendra Singh

.....Appellant(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Appellant(s)	:	Sandeep Kumar Tripathi
Counsel for Respondent(s)	:	G.A.

Court No. - 91

HON'BLE SANTOSH RAI, J.

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

2. The present criminal appeal has been filed by the appellant/applicant with a prayer to set aside the impugned judgment and order dated 12.8.2026 passed by Special Judge, SC/ST Act/Additional Session Judge, Rampur in Criminal Misc. Application No.236 of 2026 (Rajendra Singh vs. Shamshad Kha & Ors.), under Section 173(4) BNSS, P.S.- Shahabad, District- Rampur, whereby the application of the appellant/applicant under Section 173(4) BNSS has been rejected.

3. Learned counsel for the appellant submits that the impugned order passed by the trial court is illegal, arbitrary, and contrary to the provisions of law. It is contended that the application moved by the appellant under Section 173(4) BNSS discloses the commission of a cognizable offence and contained allegations which required a proper police investigation. The trial court erred in converting the application of appellant into a complaint without directing registration of the case and investigation. It is further submitted that the trial court failed to appreciate the nature of the allegations and passed the impugned order without assigning adequate reasons. Therefore, the impugned order is liable to be set aside and the matter deserves to be remitted with a direction for police investigation.

4. Learned AGA has opposed the appeal and submits that the impugned order passed by the trial court is legal, justified, and does not suffer from

any illegality or infirmity. It is contended that the application moved under Section 173(4) BNSS did not disclose any specific facts warranting a police investigation. All the material facts were admittedly within the knowledge of the appellant. In such circumstances, the learned trial court rightly exercised its discretion in treating the application as a complaint. It is, therefore, submitted that the appeal is devoid of merit and is liable to be dismissed.

5. An application under Section 173(4) of the BNSS was moved by the appellant against four accused persons, namely, Shamsad Khan, Asad Khan alias Kaluwa, Shabab Khan and Shadab Khan. From a perusal of the application itself, it is evident that there exists a land dispute between the parties. Thus, the underlying civil dispute between the parties is an admitted fact. On the basis of the averments contained in the application under Section 173(4) of the BNSS, the learned trial court called for a report from the concerned police station and, upon consideration of the allegations made therein as well as the relevant case law, rightly treated the application under Section 173(4) of the BNSS as a complaint.

6. For the reasons recorded above, this Court finds that the learned trial court has rightly rejected the application under Section 173(4) BNSS of the appellant/applicant. The impugned order is well reasoned and does not suffer from any illegality or infirmity warranting interference in appellate jurisdiction.

7. The instant appeal, being devoid of merit, stands **dismissed**.

8. Registrar (Compliance) is directed to serve a copy of this order by FAX/e-mail to the court concerned through District & Sessions Judge concerned within one week.

(Santosh Rai,J.)

October 7, 2026
RA

Digitally signed by :-
RAZIQ ALI
High Court of Judicature at Allahabad