2026:AHC:212020

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 10345 of 2026

Sanju Devi

.....Appellant(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Appellant(s)	:	Beerendra Pratap Singh, Indra Kumar Singh
Counsel for Respondent(s)	:	G.A.

Court No. - 91

HON'BLE SANTOSH RAI, J.

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

2. The present criminal appeal has been filed by the appellant with a prayer to set aside the impugned order dated 12.8.2026 passed by Special Judge, SC/ST (PA) Act, Etah in Complaint Case No.23 of 2026 (Sanju Devi vs. Gyan Singh & Anr.), P.S.- Kotwali Dehat, District- Etah, whereby the complaint under Section 226 BNSS of the appellant/applicant has been rejected.

3. Learned counsel for the appellant submits that the learned trial court erred in dismissing the complaint under Section 226 BNSS. It is contended that the accused persons have received a sum of Rs.2,00,000/- from the appellant in connection with the sale of land bearing Gata No. 725 but have failed to execute the sale deed in her favour. It is further submitted that despite the aforesaid conduct and intimidation by the accused persons, the complaint has not been properly appreciated by the trial court.

4. Learned AGA submits that, from the perusal of the complaint and the statements recorded during the inquiry proceedings, it is evident that the dispute between the parties is essentially civil in nature and relates to a land transaction. It is further submitted that the criminal proceedings appear to have been initiated to give a criminal colour to the civil dispute; hence, no interference with the impugned order is warranted.

5. An application under Section 173(4) of the BNSS was moved by the appellant, Sanju Devi, against the accused persons, namely Gyan Singh and Rekha. The allegations made in the said application, which was subsequently treated as a complaint case, were that a land dispute existed between the parties in respect of Gata No.725 and that the accused persons had received a sum of Rs.2,00,000/- from the complainant but had neither executed the sale deed in her favour nor fulfilled their commitment. During the course of the inquiry proceedings, statements under Sections 223 and 225 of the BNSS were recorded by the concerned court. In her statement, the complainant categorically stated that the accused persons had not caused any injury to her and had merely intimidated her. Essentially, her allegation was that the accused persons had received Rs.2,00,000/- from her but had failed to execute the sale deed in her favour. Upon a perusal of the complaint and the statements recorded during the inquiry proceedings, it appears that the dispute between the parties essentially arises out of a civil controversy relating to the transaction in question. The criminal proceedings appear to have been initiated with the intention of giving a criminal colour to the civil dispute. Accordingly, no ground for interference is made out.

6. For the reasons recorded above, this Court finds that the learned trial court has rightly rejected the complaint of the appellant/applicant. The impugned order 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 9, 2026
RA

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