HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 10778 of 2026

Anil Kumar

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Akash Balmik, Kushal Raj Chaudhary, Rajnish Kumar
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 28.7.2026 passed by Special Judge, SC/ST Act, Gautam Budh Nagar in Misc. Case No.569 of 2026 (Anil Kumar vs. 7-8 Police personnel), P.S.- Sector 49 Noida, District- Gautam Budh Nagar, whereby the application of the appellant/applicant under Section 173(4) B.N.S.S. has been rejected.

3. Learned counsel for the appellant submits that the trial court erred in rejecting the application under Section 173(4) BNSS without properly appreciating the allegations and material placed on record. It is submitted that the appellant was participating in an e-rickshaw procession when the police personnel posted at Police Station Sector-49, Noida, while allegedly maintaining law and order, abused him using derogatory and caste-based language. It is further submitted that the application disclosed the commission of cognizable offences, warranting registration of an FIR and investigation by the police. It is further argued that the trial court adopted an erroneous approach by entering into the merits of the allegations at the preliminary stage and failed to exercise the jurisdiction vested in it under Section 173(4) BNSS. Therefore, the impugned order is liable to be set aside and appropriate directions for registration and

investigation of the case be issued.

4. Learned AGA submits that the police personnel were discharging their official duties to maintain law and order during the e-rickshaw procession and that proceedings under Sections 170/126/135 of the BNSS were initiated against the appellant and another person in connection with the incident. It is further submitted that no interference with the impugned order is warranted and that the appeal is liable to be dismissed.

5. An application under Section 173(4) of the BNSS was moved by the appellant against seven to eight police personnel posted at Police Station Sector-49, Noida. In the application, it was alleged that the appellant was participating in an e-rickshaw procession and that, while maintaining law and order, the police personnel abused him using derogatory language. It is stated in the application that the appellant belongs to the Pandit caste and is a resident of Uttarakhand, and that the police personnel used caste-based abusive words against him. Learned counsel for the appellant admits the fact that proceedings under Sections 170/126/135 of the BNSS had been initiated by the police personnel against the appellant and another person in connection with the incident. The trial court is not bound to direct registration of an FIR on every application under Section 173(4) BNSS and may reject such an application where no prima facie cognizable offence is disclosed.

6. For the reasons recorded above, this Court finds that the learned trial court has rightly rejected the application under Section 173(4) B.N.S.S. 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 23, 2026/RA

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