



2026:AHC:55927

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 2500 of 2026

Amar Singh

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Ajit Kumar
Counsel for Respondent(s)	:	Ajay Kumar Mishra, G.A.

Court No. - 51

HON'BLE ANIL KUMAR-X, J.

1. Heard learned counsel for the appellant and Shri Shubham Tandon, learned State Law Officer for the State. However, none has appeared on behalf of the respondent/informant even in revised call.

2. This criminal appeal under Section 14-A(1) of The Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been preferred by the appellant with a prayer to allow the appeal and set aside the impugned order dated 27.08.2025 passed by Additional District & Session Judge/Special Judge (S.C./S.T. Act), District Gautam Buddh Nagar in Criminal Misc. Case No. 377 of 2025 (Amar Singh Vs Sumant and others) under Section 173(4) B.N.S.S., P.S. Jarcha, District Gautam Buddh Nagar, and to also issue direction to the concerned authorities to lodge an FIR against the accused/respondent no.2.

3. Learned counsel for the appellant has submitted that the respondent no.2 Dev Karan and another accused Sumant were in illegal possession of his agricultural land. Though accused Sumant has now left the land and is no more in illegal possession, however, the respondent no.2-Dev Karan is still in illegal possession over the land. He frequently indulges in quarreling with appellant and is not ready to vacate the illegal possession despite proceedings of demarcation being carried out by the revenue authorities. It was further submitted that both accused arrived at his fields on 27.7.2025 when appellant and his wife were busy in their agricultural fields. Both of them assaulted and abused the appellant by using caste based abuses. The appellant as well as his wife sustained injuries. It was

submitted that the learned trial court without considering the allegations in the application under Section 173(4) BNSS has wrongly dismissed it. Hence, the impugned order passed by the learned trial court requires interference and the same is liable to be set aside.

4. Learned State Law Officer submitted that a police report was called from the concerned court. The police filed the report after inquiring into the allegations. It was mentioned in the report that both parties have long standing dispute regarding possession over the disputed agricultural land. They frequently indulged in quarreling to each other. Learned State Law Officer submitted that even it has been reported that both parties were proceeded several times under Section 126/135 BNSS. It was further submitted that probably both parties are trying to raise claim over the disputed land by using their muscle strength, rather than availing the legal remedy. Hence, the impugned order does not suffer from any infirmity.

5. I have considered the submissions advanced by learned counsel for the parties and perused the entire record including the impugned order.

6. The learned trial court before passing the impugned order has summoned an inquiry report from the concerned Police Station. Said police report suggests that both parties have dispute over an agricultural land. It has also been mentioned that they frequently quarreling over the said land and also proceeded several times under Section 126/135 BNSS. The allegation, *prima facie*, seems to have stemmed out from a land dispute. Hence, the impugned order passed by the learned trial court dismissing the application of the appellant under Section 173(4) BNSS does not require any interference.

7. This criminal appeal is, accordingly, **dismissed**.

(Anil Kumar-X,J.)

March 18, 2026
SK