



2025:AHC:229451

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 11855 of 2025

Maloo

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s) : Navnath Pandey, Sukrampal
Counsel for Respondent(s) : G.A.

Court No. - 86

HON'BLE SHEKHAR KUMAR YADAV, J.

1. Heard Shree Sageer Ahmad, learned Senior Counsel assisted by Mr Navnath Pandey, learned counsel for the appellant, learned A.G.A. for the State of U.P. and perused the material available on record. It is further submitted by learned AGA that notice has been served upon the informant as per his record. Moreover, the informant has lodged the present FIR in his official capacity and hence there is no further requirement of issuing notice to the informant of the case.

2. The present criminal appeal under Section 14-A(1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been preferred assailing the impugned cognizance/summoning order dated 20.03.2023 passed by the Special Judge (SC/ST Act), Gautam Budh Nagar in Sessions Trial No. 364 of 2023 (State vs. Maloo & others), the charge-sheet dated 06.02.2023, and the entire criminal proceedings arising out of Case Crime No. 280 of 2022, under Sections 420, 467, 468, 471, 384, 120-B IPC and Section 3(1)(f) of the SC/ST Act, Police Station Dadri, District Gautam Budh Nagar.

3. Encapsulated facts as per the First Information Report registered as Case Crime No. 280 of 2022, at Police Station Dadri, District Gautam Budh Nagar by Shri Pankaj Nirwal, Revenue Inspector, are that allegations have been levelled regarding alleged irregularities in allotment and subsequent transfer of agricultural land of village Chitahera, Tehsil Dadri. It is stated that in the year 1997, about 282 persons were granted pattas/leases of agricultural land by the

competent authority, which were subsequently approved. Later on, complaints were received alleging that some allottees were ineligible and that land so allotted was transferred to private persons by execution of sale deeds through manipulation of revenue records and forged documents.

4. The FIR further alleges that certain persons, acting in connivance with others, committed forgery in revenue entries, showed enhancement of land area, and transferred land in violation of statutory provisions, thereby causing wrongful loss to the State exchequer and wrongful gain to the beneficiaries. It is also alleged that in some cases land meant for members of the Scheduled Caste community was alienated in contravention of law, resulting in invocation of Section 3(1)(f) of the SC/ST (Prevention of Atrocities) Act along with offences under Sections 420, 467, 468, 471, 384 and 120-B IPC.

5. The FIR primarily rests upon old revenue records and inquiries relating to land allotments made more than two decades prior, and the allegations against the accused persons are broadly worded, without attributing specific overt acts, dates or individual transactions to each accused, the dispute essentially arising out of alleged civil and revenue irregularities over land transactions spanning several years.

6. Learned counsel for the appellant submits that the impugned cognizance/summoning order dated 20.03.2023 and the charge-sheet dated 06.02.2023, as well as the entire proceedings arising out of Case Crime No. 280 of 2022, are manifestly illegal and amount to abuse of the process of law.

7. It is submitted that the appellant was not even named in the First Information Report lodged on 03.07.2022. The Appellant has been roped into the criminal proceedings at a subsequent stage without any material evidence, which demonstrates mala fide intention to implicate him falsely. The FIR was lodged by Shri Pankaj Nirwal, the then Revenue Inspector, Tehsil Dadri, who is not a victim but a government officer discharging official duties. The allegations pertain to transactions involving lease land of Village Chitahaira dating back

to 1997, which were subject to multiple judicial proceedings and ultimately validated by competent revenue courts.

8. It is further submitted that the investigation carried out in the present matter suffers from grave and fatal irregularities that render the entire prosecution manifestly unjust and an abuse of the process of law. It is contended that the Charge sheet dated 06.02.2023 includes various witnesses out of which five witnesses had died years before the investigation commenced and this fact conclusively establishes that the investigation is so faulty, unfair, and biased that continuing the case would amount to an abuse of the judicial process and result in a miscarriage of justice. The Investigating Officer could not have recorded statements of deceased persons, yet these persons are shown as prosecution witnesses, exposing the fabricated nature of the investigation.

9. It is further submitted that the first informant in his statements recorded under Section 161 Cr P C, showed complete ignorance about the material facts forming the basis of the alleged offences and merely stated that entire records are available in the proceedings of allotment of lease deeds, which demonstrates that the FIR was lodged mechanically without personal knowledge of alleged criminal acts.

10. It is further argued that the appellant has been falsely implicated without any specific role or overt act. He is not named in the FIR. Neither the FIR nor the charge-sheet discloses any individual act attributable to the appellant so as to satisfy the basic ingredients of the alleged offences. Reliance is placed on the celebrated judgment of the Hon'ble Supreme Court in **State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335**, wherein it has been held that criminal proceedings are liable to be quashed where the allegations do not *prima facie* constitute any offence or are manifestly attended with *mala fides*.

11. Learned counsel further submits that the dispute emanates from land allotments made in the year 1997 and subsequent revenue proceedings, and is essentially civil and revenue in nature. Criminal law has been set in motion after an inordinate delay of more than two

decades. Reliance is placed on **Anand Kumar Mohatta v. State (NCT of Delhi), (2019) 11 SCC 706**, wherein the Supreme Court held that continuation of criminal proceedings arising out of a purely civil dispute would amount to abuse of process of law and deserves interference even at the stage of cognizance. Reliance is further placed on the case of **Indian Oil Corporation Vs M/s NEPC India Ltd, (2006) 6 SCC 738**, wherein the Apex Court has deprecated the tendency to convert the Civil disputes into criminal proceedings.

12. It is further contended that the essential ingredients of offences under Sections 420, 467, 468, 471, 384 and 120-B IPC are completely absent. There is no allegation of dishonest intention at inception, no material to show preparation or use of forged documents by the appellant, and no evidence of criminal conspiracy. Reliance is placed on **Vesa Holdings Pvt. Ltd. v. State of Kerala, (2015) 8 SCC 293**, holding that in absence of mens rea and foundational facts, criminal prosecution cannot be permitted to continue.

13. With respect to invocation of Section 3(1)(f) of the SC/ST (Prevention of Atrocities) Act, learned counsel submits that the same has been applied mechanically. Reliance is placed on **Hitesh Verma v. State of Uttarakhand, (2020) 10 SCC 710**, wherein the Supreme Court held that for attracting the provisions of the SC/ST Act, the offence must be committed on the ground that the victim belongs to a Scheduled Caste or Scheduled Tribe, and that disputes of civil nature, even involving members of SC/ST, would not ipso facto attract the Act. Lastly, learned counsel submits that the summoning order has been passed in a mechanical manner without application of judicial mind. Reliance is placed on **Pepsi Foods Ltd. v. Special Judicial Magistrate, (1998) 5 SCC 749**, wherein it has been held that summoning an accused is a serious matter and the Magistrate must carefully examine whether a *prima facie* case is made out.

14. Learned A.G.A. opposes the appeal and submits that the impugned cognizance order reflects due application of mind by the learned Special Judge, who, upon perusal of the charge-sheet and material on record, found sufficient grounds to proceed against the accused person. The order does not suffer from any jurisdictional

error or perversity warranting interference under appellate jurisdiction.

15. The Court has considered the rival submissions and perused the record.

16. From a careful examination of the FIR, charge-sheet and accompanying material, it is evident that the allegations against the appellant are general and omnibus. No specific role, overt act or individual transaction has been attributed to the appellant so as to constitute the ingredients of the offences alleged. The principles laid down in **State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335** are clearly attracted.

17. The record further shows that the dispute arises out of land allotments made in the year 1997 and subsequent revenue proceedings. The allegations primarily relate to alleged irregularities in revenue records, which have already been the subject matter of civil and revenue adjudication. In view of the law laid down in **Anand Kumar Mohatta v. State (NCT of Delhi), (2019) 11 SCC 706**, continuation of criminal proceedings in such circumstances would amount to abuse of the process of law.

18. This Court also finds that the essential ingredients of offences under Sections 420, 467, 468, 471, 384 and 120-B IPC are not made out against the appellant. There is no material indicating dishonest intention at inception or preparation or use of forged documents by the appellant.

19. As regards invocation of the SC/ST Act, the FIR and charge-sheet do not disclose that the alleged acts were committed on the ground that the victim belongs to a Scheduled Caste or Scheduled Tribe. In light of the ratio laid down in **Hitesh Verma v. State of Uttarakhand, (2020) 10 SCC 710**, mere reference to Scheduled Caste land or status of the informant is insufficient to attract the provisions of the Act.

20. The impugned cognizance order dated 20.03.2023 has been passed in a routine and mechanical manner, without recording satisfaction regarding existence of *prima facie* material against the appellant. Such an approach is impermissible in view of the law laid

down in **Pepsi Foods Ltd. v. Special Judicial Magistrate, (1998) 5 SCC 749.**

21. Further, perusal of the statements of the informant, independent witnesses, inquiry officer and other witnesses recorded during investigation fortifies the case of the appellant. From the statements of various original pattadars and villagers, it emerges that the pattas were granted as early as 1997 by competent authorities; most of the witnesses have not attributed alleged coercion, threats or inducement to the present appellant; several witnesses have categorically stated that they do not know the appellant personally, nor have they stated that any document was executed, forged or registered at the instance of the present appellant; no witness has alleged that the appellant threatened, induced or deceived them, or received any money from them in connection with the land transactions. The statements of independent witnesses and the inquiry officer primarily narrate the history of revenue litigation, cancellation proceedings with regard to the lease and administrative inquiries, but do not disclose any active role or criminal intent attributable to the appellant. At best, the material reflects disputes of civil nature. Significantly, none of the witnesses have stated that any act was committed by the accused on the ground that the pattadar belonged to a Scheduled Caste, which is a sine qua non for invocation of the SC/ST Act. Thus, even the oral evidence collected during investigation does not disclose the basic ingredients of the offences alleged against the appellant and fails to establish any *prima facie* case.

22. The impugned cognizance order dated 20.03.2023 has been passed in a routine and mechanical manner, without recording satisfaction regarding existence of *prima facie* material against the appellant. Such an approach is impermissible in view of the law laid down in *Pepsi Foods Ltd.* (supra).

23. A further and significant aspect of the matter is that the appellant is not named in the First Information Report. Neither the FIR nor the charge-sheet explains as to how, when or on what basis the name of the appellant surfaced during investigation. There is no reference to any incriminating document, transaction, recovery or statement of any witness showing the role of the appellant in the alleged offences.

24. Even upon perusal of the statements recorded under Section 161 Cr.P.C. of various witnesses, this Court does not find any material disclosing that the appellant was identified by any witness as a person who induced, coerced, threatened or participated in preparation or execution of any forged document. The prosecution has also failed to disclose the source of information or link evidence connecting the appellant with the alleged conspiracy. In absence of any material explaining the genesis of the appellant's implication, the mere inclusion of his name in the charge-sheet appears to be mechanical and unsupported by evidence, which cannot be sustained in law. Criminal prosecution cannot rest on assumptions or conjectures, particularly when the FIR itself is silent about the appellant. Record also discloses that investigation carried out in the present matter suffers from grave and fatal irregularities as the Charge sheet dated 06.02.2023 includes various witnesses out of which five witnesses had died years before the investigation commenced and this fact conclusively establishes that the investigation is faulty, unfair, and biased and continuing the case would amount to an abuse of the judicial process and result in a miscarriage of justice. The Investigating Officer could not have recorded statements of deceased persons, yet these persons are shown as prosecution witnesses, exposing the fabricated nature of the investigation. The inclusion of deceased persons as prosecution witnesses, without any explanation, goes to the root of the matter and reflects non-application of mind during investigation, thereby rendering the investigation unreliable and legally unsustainable.

25. Moreover, this Court further finds that several named and unnamed co-accused persons, arising out of the same FIR and charge-sheet, have already been granted relief by Coordinate Benches of this Court. From a perusal of the orders annexed with the record, it is evident that similarly situated co-accused have been granted interim protection after recording categorical findings that the dispute is predominantly civil and revenue in nature, that no specific role was assigned to the applicants therein, and that the provisions of the SC/ST Act were *prima facie* not attracted. The Coordinate Benches, while granting relief to the co-accused, have consistently observed that the allegations pertain to old land allotments and

revenue entries, that the FIR contains general and omnibus allegations, and that continuation of criminal proceedings would amount to abuse of the process of law. It has also been noted in those orders that the essential ingredients of Sections 420, 467, 468, 471, 384 and 120-B IPC, as well as Section 3(1)(e) of the SC/ST Act, were not *prima facie* made out against the applicants therein. The role attributed to the appellant is neither distinguishable nor graver than the role assigned to those co-accused who have already been granted relief. No material has been pointed out by the learned A.G.A. to demonstrate any distinguishing feature or additional incriminating circumstance against the present appellant so as to deny him similar treatment.

26. Another important aspect which weighs with this Court is that the alleged irregularities pertain to allotment of patta made as far back as the year 1997 and the FIR was registered only on 03.07.2022—a delay of approximately 24-25 years. Even considering the subsequent events, the prosecution case alleges irregularities came to light in 2016, yet the FIR was lodged after seven years without any plausible or convincing explanation. Further despite the passage of more than two decades, learned A.G.A. has not been able to point out any civil suit, revenue proceeding or statutory action initiated for cancellation of the sale deeds. If the patta/sale deeds were illegal, fraudulent or obtained by misrepresentation, the natural and lawful course available to the State/aggrieved was to seek their cancellation before the competent revenue or civil forum. However, no material has been placed on record to show that any such proceedings were ever initiated or pursued to their logical conclusion. The absence of any action for cancellation of deeds for such a prolonged period clearly indicates that the dispute is essentially civil and revenue in nature, and that the criminal machinery has been set in motion afterthought and as a substitute for appropriate civil remedies, which is impermissible in law. Criminal prosecution cannot be used to circumvent or replace statutory remedies available under revenue law.

27. In **Iqbal v. State of U.P.**, (2023) 8 SCC 734, the Hon'ble the Supreme Court held that delay with other attending circumstances emerging from the record rendering the entire case inherently

improbable may become a good ground to quash the FIR and consequential proceedings.

28. This Court also finds support from the recent pronouncements of the Hon'ble Supreme Court. In **Anukul Singh Vs. State of Uttar Pradesh and another (decided on 24.09.2025)**, the Apex Court reiterated that where criminal proceedings are initiated after an inordinate delay in matters arising out of land and revenue disputes, and where allegations are vague, omnibus and unsupported by specific material indicating mens rea, continuation of prosecution would amount to abuse of the process of law. The Court emphasized that criminal law cannot be used as a tool to settle civil or revenue disputes, particularly when statutory remedies remain unexhausted.

29. Similarly, in **Konde Nageshwar Rao Vs. A. Srirama Chandra Murty and another (decided on 23.07.2025)**, the Hon'ble Supreme Court held that mere allegations of forgery or cheating, without specific attribution of acts, documents, or intent to the accused, do not justify criminal prosecution. The Court cautioned against mechanical cognizance orders passed solely on the basis of charge-sheets, observing that judicial application of mind at the stage of summoning is a constitutional safeguard against frivolous prosecutions.

30. Further, in **Randheer Singh Vs. State of U.P. and others (decided on 02.09.2025)**, the Hon'ble Supreme Court once again clarified that invocation of the provisions of the SC/ST (Prevention of Atrocities) Act must strictly satisfy the statutory requirement that the offence was committed on the ground that the victim belongs to a Scheduled Caste or Scheduled Tribe. The Court held that disputes relating to property, land allotment, or revenue entries, even if involving members of the SC/ST community, do not ipso facto attract the provisions of the Act in absence of such foundational allegations. The Apex Court further held that mechanical addition of offences under the SC/ST Act, without specific material, vitiates the entire prosecution.

31. The ratio laid down in the aforesaid judgments squarely applies to the facts of the present case, where the appellant is not named in the

FIR, no specific role or overt act is attributed to him, the dispute is predominantly civil and revenue in nature, the proceedings have been initiated after an unexplained and inordinate delay of more than two decades, and the provisions of the SC/ST Act have been invoked without satisfying the mandatory statutory ingredients.

32. This unexplained inaction on the part of the State further weakens the prosecution case and lends support to the contention that the present proceedings are an afterthought, initiated belatedly and without foundational civil adjudication.

33. In the considered opinion of this Court, continuation of the criminal proceedings would result in miscarriage of justice and would amount to abuse of the process of law.

34. In view of the above, the instant criminal appeal is allowed. The impugned cognizance/summoning order dated 20.03.2023 passed by the Special Judge (SC/ST Act), Gautam Budh Nagar in Sessions Trial No. 364 of 2023 (State vs. Maloo & others), the charge-sheet/Supplementary Charge sheet, and the entire criminal proceedings arising out of Case Crime No. 280 of 2022, under Sections 420, 467, 468, 471, 384, 120-B IPC and Section 3(1)(f) of the SC/ST Act, Police Station Dadri, District Gautam Budh Nagar stand quashed.

December 19, 2025
RavindraKSingh

(Shekhar Kumar Yadav,J.)