



**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

APPLICATION U/S 528 BNSS No. - 6832 of 2026

Mohd. Shakeel

.....Applicant(s)

Versus

State Of U.P. Thru. Its Prin./ Addl. Chief Secy.
Home Lko. And 11 Others

.....Opposite
Party(s)

Counsel for Applicant(s)	: Sandeep Tewari, Aakrisht Dubey
Counsel for Opposite Party(s)	: G.A.

Court No. - 12

HON'BLE RAJEEV SINGH, J.

1. Heard learned counsel for the applicant and learned A.G.A. for the State.

2. The present application has been filed with the following main relief:-

"To quash the impugned judgment and order dated 28/11/2025 passed by the Learned Additional Sessions Judge (ADJ-II), Raebareli in Criminal Revision No. 237 of 2024 (Mohd. Shakeel v. State of U.P. & Others), in the interest of justice as contained in ANNEXURE No. 8 of this Application."

3. Learned counsel for the applicant submitted that Uma Shankar Singh, son of Satyanam Singh, resident of Village Khekharuwa, P.S.- Shivratanganj, District Amethi, had encroached upon Gram Sabha land. Consequently, a complaint was made by the applicant before the higher authorities for removal of the aforesaid encroachment. As no action was being taken by the authorities due to his influence and association with the police, the applicant, under compulsion, preferred Writ-C No. 3917 of 2023; Mohd. Shaqeel Vs. State of UP and Ors. before this Court. In the aforesaid writ petition, vide order dated 16th March 2023, the learned Standing Counsel was directed to seek instructions as to why the order dated 28th October 2016, passed under Section 67 of the U.P. Revenue Code, 2006, had not been complied with.

4. Thereafter, on 25th May 2023, it was informed by the applicant's counsel that police personnel had come to the house of the applicant on 23rd May 2023 and started pressurizing him to withdraw the aforesaid petition and he was also detained. Specific information was sought by the Court as to why the applicant had been taken into custody. On the same day, it was informed that an F.I.R. had been lodged against him, which was produced before the Court. It was submitted that the said F.I.R. had been lodged on the apprehension of the complainant. Thereafter, the aforesaid writ petition was disposed of on the ground that the revenue authorities had informed the Court that, in pursuance of the order dated 28th October 2016 passed under Section 67 of the U.P. Revenue Code, 2006, the encroachment made by the aforesaid Uma Shankar Singh had been removed.

5. The operative portion of the orders dated 25th May 2023 and 26th May 2023 passed by this Court in Writ-C No. 3917 of 2023 are reproduced hereinbelow:-

Order dated 25.05.2023

"In view of the above, learned Standing Counsel is directed to seek instructions by 4 O'clock why the petitioner has been kept in police station since 23.05.2023.

Subsequently, at 04:00 PM, learned Standing Counsel, on the basis of instructions, submits that an F.I.R. has been lodged against the petitioner by the respondent no.6/ Uma Shankar. However, he has no instructions as to why the petitioner has been kept at Police Station since 23.05.2023, whereas the learned Standing Counsel was specifically directed to seek instructions. The F.I.R. as produced by learned Standing Counsel has been lodged merely on the apprehension of the complainant i.e. the respondent no.6.

On the request of learned Standing Counsel put up tomorrow i.e. 26.05.2023 at 10:15 to enable him to seek complete instructions particularly as to why the petitioner was taken away by the Police on 23.05.2023 and what happened to the complaint made by the petitioner and owner of the vehicle on IGRS. If the instructions are not received, this Court may consider to summon the Officer. "

Order dated 26.05.2023

"In view of above and the contentions recorded in the order dated 25.05.2023, according to which the order passed under Section 67(1) of the U.P. Revenue Code 2006 has been executed, for which this petition was filed, this petition has lost its efficacy. However the petitioner may avail appropriate remedy as may be available under law in accordance with law.

In view of above and the statement of learned Standing Counsel, the petition is disposed of. "

6. Learned counsel for the applicant further submitted that the police was acting in association with Uma Shankar Singh, the alleged encroacher. Thereafter, on the basis of concocted facts, F.I.R. No. 102 of 2023 under Sections 419, 420, 467, 468 and 471 IPC, P.S.- Shivratanganj, District-Amethi was lodged at 7:24 hours on 24th May 2023, containing an allegation that the applicant was having two-three tractors and was carrying on the business of cultivating soil. It was further alleged that one Swaraj tractor, blue and white in colour, Model No. 774, bearing Registration No. 33 AB 1032, was standing in front of his house. Upon inquiry, it was allegedly found that the aforesaid registration number was forged and, when verified through the mobile application, it was found that the said registration number was actually of a Passion Pro motorcycle. On this basis, an apprehension was raised that either the vehicle was stolen or was involved in some heinous crime.

7. Learned counsel for the applicant submitted that the Writ Court had taken cognizance of the matter in Writ-C No. 3917 of 2023, filed by the applicant, by passing the order dated 16th March 2023. He further drew the attention of the Court to a complaint made by Smt. Najjo Bano, wife of the applicant, through the IGRS portal on 23rd May 2023, wherein it was stated that the aforesaid tractor belonged to her relative, namely, Anees, and was standing outside the applicant's house, from where it had been taken away by the Station House Officer, Shivratanganj.

8. It was further submitted that when the applicant refused to withdraw the case filed against Uma Shankar Singh regarding encroachment over the Khaliyan and Banjar land of the Gram Sabha, wherein the District Magistrate, Amethi and the Sub-Divisional Magistrate, Tiloi had also

been arrayed as respondents, the aforesaid tractor was shown as stolen property. A request was thereafter made for taking appropriate action in the matter.

9. Learned counsel for the applicant further submitted that, in the aforesaid F.I.R., a charge-sheet was submitted by the Investigating Officer on 27th June 2023 merely on the basis of presumption. It was further submitted that registration number was actually vanished from the tractor due to work in soil as it was standing outside the house of the applicant and the alleged number was subsequently shown by the police officials only with a view to harass the applicant for filing the aforesaid writ petition, as the order passed under Section 67 of the U.P. Revenue Code, 2006 had not been complied with.

10. Thereafter, an application under Section 156(3) Cr.P.C. was filed before the competent Court, but the same was rejected, and the revision preferred against the said order was also rejected in a mechanical manner. Therefore, kind indulgence of this Court is necessary.

11. Learned A.G.A. for the State vehemently opposed the aforesaid contentions and submitted that one tractor, which was standing in front of the house of the applicant, was taken into custody by the police on the complaint of Uma Shankar Singh. Thereafter, it was found that the registration number displayed on the tractor was actually registered in respect of a motorcycle, and consequently, charge-sheet was submitted. He further submitted that the record also reveals that the alleged encroachment of Uma Shankar Singh over the Gram Sabha land had also been removed. Therefore, there is no illegality in the orders passed by the Magistrate as well as the Revisional Court.

12. Considering the submissions of learned counsel for the parties and upon going through the contents of the application as well as other relevant materials on record, it is evident that proceedings under Section 67 of the U.P. Revenue Code, 2006 were initiated against Uma Shankar Singh, in which an order was passed on 28.10.2016 for removal of the encroachment. However, the said order was not being complied with by

the revenue authorities. Thereafter, Writ-C No. 3917 of 2023 was filed by the applicant, in which order dated 16.03.2023 was passed by this Court, directing the learned Standing Counsel to seek instructions as to why the order dated 28.10.2016 had not been implemented till date. He was further directed to seek instructions from the District Magistrate, Amethi, for fixing responsibility for non-implementation of the aforesaid order and as to what action was proposed against the erring officers. The case was thereafter directed to be listed on 25.05.2023.

13. In the meantime, the tractor belonging to a relative of the applicant, which was standing in front of his house, was taken away, and thereafter the applicant was proceeded against on the basis of the F.I.R. lodged by Uma Shankar Singh, the alleged encroacher of the Gram Sabha land, alleging that a forged registration number had been displayed on the tractor. However, admittedly, no action was taken by the police officials against the owner of the tractor.

14. It is informed that in F.I.R. No. 102 of 2023 (supra), charge-sheet had already been submitted by the Investigating Officer on 27.06.2023 against the applicant under Sections 419, 420, 466, 468 and 471 of the I.P.C.

15. In view of the aforesaid facts and circumstances, this Court is of the view that further investigation in F.I.R. No. 102 of 2023 is required to be conducted by some other agency.

16. Issue notice to opposite party nos.4-12, returnable at an early date.

17. Steps be taken within a week.

18. List this case on 21.12.2026.

19. The Director General, C.B.C.I.D., Lucknow is directed to depute a responsible officer for obtaining a photocopy of the case diary of the aforesaid case from the competent court and to depute a responsible officer for conducting further investigation into the matter. The officer so deputed shall also examine the conduct of the police officials as well as other officials concerned in the matter.

20. It is, however, open to the applicant to move a comprehensive representation before the Director General, C.B.C.I.D., Lucknow within a period of six weeks from today.

21. The Superintendent of Police, Amethi, as well as the trial Court, is directed to take necessary steps for providing the relevant records to the officer of the C.B.C.I.D., Lucknow for compliance with the directions issued by this Court.

22. On the next date, the responsible officer of the C.B.C.I.D. shall file his personal affidavit explaining the status of the action taken by him.

23. The Senior Registrar of this Court is directed to communicate this order to the Director General, C.B.C.I.D., Lucknow, the trial Court as well as the Superintendent of Police, Amethi for necessary compliance, forthwith.

(Rajeev Singh,J.)

October 8, 2026

V. Sinha