



2026:AHC-LKO:47874

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL APPEAL No. - 1666 of 2026

X Complainant Of Complaint Case No. 65/2026

.....Appellant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Civil Sectt.
Lko. And 3 Others

.....Respondent(s)

Counsel for Appellant(s)	:	Adarsh Shukla
Counsel for Respondent(s)	:	G.A., Alok Kumar Singh

[A.F.R.]

Court No. - 14

HON'BLE SUBHASH VIDYARTHI, J.

1. Heard Sri. Adarsh Shukla, the learned counsel for the appellant, Sri. Mayank Sinha, the learned A.G.A. for the State of U.P. and Sri. Gaurav Verma, the learned counsel for the opposite parties no. 3 and 4 and perused the record.

2. By means of the instant appeal filed under Section 14-A(1) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (which will hereinafter be referred to as 'the SC/ST Act'), the appellant has challenged the validity of an order dated 17.04.2026 passed by the learned Special Judge, SC/ST Act/Additional Sessions Judge, Lakhimpur Kheri, in Criminal Miscellaneous Case No. 65/2026, whereby instead of ordering registration of a First Information Report, the appellant's application under Section 173(4) of the Bharatiya Nagarik Suraksha Sanhita (which will hereinafter be referred to as 'BNSS') was treated as a complaint.

3. The appellant stated in the application under Section 173 (4) BNSS that she is a woman belonging to a Scheduled Caste and was working as an Instructor in an Upper Primary School. In the year 2024 she was residing as a tenant in the house of the opposite party No. 2 in District Kheri, in connection with her employment and her husband used to commute from Lucknow. The opposite party No. 2 sold a plot belonging to his younger

complainant's husband used to stay outside, taking undue advantage of her being alone and under pretext of helping her recover her husband's money, the opposite party no. 2 started exploiting the appellant sexually. Thereafter, the complainant's husband shifted her to another accommodation, but some of her belongings remained in the house of the opposite parties, including a cheque book signed by her husband. The complainant has expressed an apprehension that the accused persons might cause harm to her husband and child.

4. It is mentioned in the impugned order dated 17.04.2026 that the Court had called for a report from the Police. The police report revealed that the actual owner of the land was Shiv Shankar Mishra. The purchaser Ravi Shankar had lodged Case Crime No. 381/2025 against the complainant's husband and the opposite parties in which a final report was submitted on the basis of an amicable resolution of dispute, under which the amount in question had been refunded.

5. The trial court found that the complainant has alleged that in furtherance of a conspiracy the opposite parties represented themselves to be the owners of the plot and they got its sale deed executed in favour of the complainant's husband. The final report submitted in Case Crime No. 381/2025 discloses that the complainant, her husband and the opposite parties had been arrayed as accused persons in the said case. As the consideration amount of the plot had been refunded and no other evidence was found, a final report was submitted. The trial court further found that all the facts of the case are within the knowledge of the complainant, which she can prove herself by leading evidence. Accordingly, the Special Judge registered the application under Section 173(4) BNSS as a complaint and fixed the next date for recording the statement under Section 223 BNSS.

6. According to the averments made in the complaint, the complainant was not involved in the purchase and sale of the plot and her husband was a party to the transactions. The husband is not suffering from any legal disability which may incapacitate him to institute the legal proceedings for enforcement of his legal rights. The complainant is not the legal guardian of her husband so as to initiate legal proceedings on his behalf. The dispute pertains to a monetary transaction, regarding which a First Information Report was lodged against the complainant, her husband and the opposite

money is alleged to have remained unpaid, has not instituted any proceedings – civil or criminal.

8. The complainant has stated, in paragraph 4 of the application that as her husband used to reside away, the opposite party no. 2 started sexually exploiting her under allurements of returning her husband's money. A 35 years old married woman herself stating that she permitted a man to sexually exploit her in order to recover her husband's money, although there is no allegation of use of force or deception by the opposite party no. 2, is an extremely unnatural and strange allegation, which no person of ordinary prudence and reasonable understanding can believe. Even if the allegation is taken to be correct, it does not constitute any offence.

9. The assertion made in the application that although the complainant had vacated the accommodation of the opposite party no. 2 which she had taken on rent, a cheque book signed by her husband was left there, is also a strange statement, which no person of ordinary prudence would believe.

10. It appears that the petitioner is abusing the criminal justice system to blackmail the opposite Parties Nos. 2 to 4 for recovering an undisclosed amount of unpaid money. In **Dilip Singh v. State of M.P.**, (2021) 2 SCC 779, the Hon'ble Supreme Court held that criminal proceedings are not for realization of disputed dues.

11. Section 528 of BNSS, which corresponds to Section 482 Cr.P.C., recognizes the inherent powers of this Court in the following words: -

"528. Saving of inherent powers of High Court. - Nothing in this Sanhita shall be deemed to limit or affect the inherent powers of the High Court to make such orders as may be necessary to give effect to any order under this Sanhita, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice."

12. In **State of Karnataka v. L. Muniswamy**, (1977) 2 SCC 699, it was held that: -

"In the exercise of this wholesome power, the High Court is entitled to quash a proceeding if it comes to the conclusion that allowing the proceeding to continue would be an abuse of the process of the Court or that the ends of justice require that the proceeding ought to be quashed. The saving of the High Court's inherent powers, both in civil and criminal matters, is designed to achieve a salutary public purpose which is that a court

observations is that without a proper realisation of the object and purpose of the provision which seeks to save the inherent powers of the High Court to do justice, between the State and its subjects, it would be impossible to appreciate the width and contours of that salient jurisdiction."

(emphasis added)

13. In **State of Haryana v. Bhajan Lal**: 1992 Supp (1) SCC 335, the Hon'ble Supreme Court held that: -

"102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we have given the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

- (1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.***
- (2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.***
- (3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not***

- (5) *Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.*
- (6) *Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.*
- (7) *Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge."*

(emphasis added)

14. However, the Hon'ble Supreme Court added a word of caution in the judgment in the case of **Bhajan Lal** (supra) by stating that: -

"103. We also give a note of caution to the effect that the power of quashing a criminal proceeding should be exercised very sparingly and with circumspection and that too in the rarest of rare cases; that the court will not be justified in embarking upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR or the complaint and that the extraordinary or inherent powers do not confer an arbitrary jurisdiction on the court to act according to its whim or caprice."

15. The purport of the expression "rarest of rare cases" has been explained in **Som Mittal (2) v. State of Karnataka**: (2008) 3 SCC 574, in the following words: -

'9. When the words "rarest of rare cases" are used after the words "sparingly and with circumspection" while describing the scope of Section 482, those words merely emphasise and reiterate what is intended to be conveyed by the words "sparingly and with circumspection". They mean that the power under Section 482 to

Section 482 CrPC to quash the FIR or criminal proceedings should be used sparingly and with circumspection."

16. The law regarding scope of exercise of the inherent powers of the High Courts acknowledged by Section 482 Cr.P.C. / 528 BNSS stands settled by the aforesaid judgments and the power can be exercised to quash any criminal proceedings before a trial Court if it would result in an abuse of the process of any Court.

17. The question which now arises is whether this Court can exercise its inherent powers *suo motu* so as to quash the proceedings of a criminal complaint, when the abuse of the process of Court has been noticed by this Court while hearing an appeal filed by the complainant herself and the accused persons have not come forward to challenge its validity (due to the obvious reason that they are yet to be summoned by the trial Court).

18. In this regard, it is relevant to note the following principles laid down by the Hon'ble Supreme Court in **Popular Muthiah v. State represented by Inspector of Police**: (2006) 7 SCC 296: -

*"27. While exercising its appellate power, the jurisdiction of the High Court although is limited but, in our opinion, there exists a distinction but a significant one being that **the High Court can exercise its revisional jurisdiction and/or inherent jurisdiction not only when an application therefor is filed but also suo motu. It is not in dispute that suo motu power can be exercised by the High Court while exercising its revisional jurisdiction. There may not, therefore, be an embargo for the High Court to exercise its extraordinary inherent jurisdiction while exercising other jurisdictions in the matter. Keeping in view the intention of Parliament, while making the new law the emphasis of Parliament being "a case before the court" in contradistinction from "a person who is arrayed as an accused before it" when the High Court is seized with the entire case although would exercise a limited jurisdiction in terms of Section 386 of the Code of Criminal Procedure, the same, in our considered view, cannot be held to***

power of the High Court can be exercised, it is trite, both in relation to substantive as also procedural matters.

30. In respect of the incidental or supplemental power, evidently, the High Court can exercise its inherent jurisdiction irrespective of the nature of the proceedings. It is not trammelled by procedural restrictions in that:

(i) Power can be exercised suo motu in the interest of justice. If such a power is not conceded, it may even lead to injustice to an accused.

(ii) Such a power can be exercised concurrently with the appellate or revisional jurisdiction and no formal application is required to be filed therefor.

(iii) It is, however, beyond any doubt that the power under Section 482 of the Code of Criminal Procedure is not unlimited. It can inter alia be exercised where the Code is silent, where the power of the court is not treated as exhaustive, or there is a specific provision in the Code; or the statute does not fall within the purview of the Code because it involves application of a special law. It acts ex debito justitiae. It can, thus, do real and substantial justice for which alone it exists."

(emphasis added)

19. When examining the scope of inherent powers of this Court, it would be appropriate to keep into consideration the provision contained in Article 215 of the Constitution of India, which provides that: -

"215. High Courts to be courts of record. - Every High Court shall be a court of record and shall have all the powers of such a court including the power to punish for contempt of itself."

20. In **Naresh Shridhar Mirajkar v. State of Maharashtra**, AIR 1967 SC 1, a Constitution Bench consisting of nine Hon'ble Judges of the Hon'ble Supreme Court held that: -

"59. ... The High Court is a superior court of record and under Article 215, shall have all powers of such a court of record

observed that in the case of a superior court of record, it is for the court to consider whether any matter falls within its jurisdiction or not. Unlike a court of limited jurisdiction, the superior court is entitled to determine for itself questions about its own jurisdiction . That is why this Court did not accede to the proposition that in passing the order for interim bail, the High Court can be said to have exceeded its jurisdiction with the result that the order in question was null and void. In support of this view, this Court cited a passage from Halsbury's Laws of England where it is observed that "prima facie, no matter is deemed to be beyond the jurisdiction of a superior court unless it is expressly shown to be so, while nothing is within the jurisdiction of an inferior court unless it is expressly shown on the face of the proceedings that the particular matter is within the cognizance of the particular court [Halsbury's Laws of England, Vol 9, p. 349] ". If the decision of a superior court on a question of its jurisdiction is erroneous, it can, of course, be corrected by appeal or revision as may be permissible under the law; but until the adjudication by a superior court on such a point is set aside by adopting the appropriate course, it would not be open to be corrected by the exercise of the writ jurisdiction of this Court."

(emphasis added)

21. The aforesaid decision was followed in **M.V. Elisabeth v. Harwan Investment and Trading (P) Ltd.**: 1993 Supp (2) SCC 433, wherein the Supreme Court reiterated that: -

"66. The High Courts in India are superior courts of record. They have original and appellate jurisdiction. They have inherent and plenary powers. Unless expressly or impliedly barred, and subject to the appellate or discretionary jurisdiction of this Court, the High Courts have unlimited jurisdiction, including the jurisdiction to determine their own powers..."

22. In **Asian Resurfacing of Road Agency (P) Ltd. v. CBI**: (2018) 16 SCC 299, the Hon'ble Supreme Court held that: -

*"52. ... First and foremost, it must be appreciated that the High Courts are established by the Constitution and are courts of record which will have all powers of such courts, including the power to punish contempt of themselves (see Article 215). **The High Court, being a superior court of record, is entitled to consider questions***

"138. Besides, in the case of a superior court of record, it is for the court to consider whether any matter falls within its jurisdiction or not. Unlike a Court of limited jurisdiction, the superior court is entitled to determine for itself questions about its own jurisdiction. "Prima facie", says Halsbury, 'no matter is deemed to be beyond the jurisdiction of a superior court unless it is expressly shown to be so, while nothing is within the jurisdiction of an inferior court unless it is expressly shown on the face of the proceedings that the particular matter is within the cognizance of the particular court' [Halsbury's Laws of England, Vol. 9, p. 349]."

* * *

54. It is thus clear that the inherent power of a court set up by the Constitution is a power that inheres in such court because it is a superior court of record, and not because it is conferred by the Code of Criminal Procedure. This is a power vested by the Constitution itself, inter alia, under Article 215 as aforesaid. Also, as such High Courts have the power, nay, the duty to protect the fundamental rights of citizens under Article 226 of the Constitution, the inherent power to do justice in cases involving the liberty of the citizen would also sound in Article 21 of the Constitution...."

(emphasis added)

23. In **Baldev Raj Arora v. CBI**: 2026 SCC OnLine All 20629, this Court has held that: -

"46. The inherent powers of this Court to secure the ends of justice and prevent the abuse of the process of law do not stem from Section 482 CrPC or for that matter from any other statutory provision. Such a power is an unfettered power which inheres in this Court, because this Court is a Constitutional Court and a court of record. Section 482 CrPC does not confer the inherent powers

suitable case to secure the ends of justice. Therefore, the jurisdiction under Section 482 CrPC is a statutory manifestation of the wider inherent powers constitutionally recognized under Article 215, to be exercised for securing the ends of justice.

*47. In order to fully comprehend and effectively exercise the inherent powers of the High Court, it is pertinent to note the legislative intent and the purpose that was intended to be achieved by Section 482 CrPC and Article 215 of the Constitution of India. The object behind Article 215 is to give power to the High Courts to decide their own jurisdiction, apparently to confer discretionary powers on the High Courts, to be exercised in appropriate cases in which it deems fit to invoke its powers. Without giving the power to decide its own jurisdiction the inherent powers to secure the ends of justice might become meaningless. Similarly, **the words "to make such orders as may be necessary to secure the ends of justice" used in Section 482 conclude the aforesaid section in an open ended manner, the underlying object being to save the discretionary inherent powers of the High Courts to decide for itself what would be the appropriate cases in which the inherent power should be invoked. Therefore, the object behind both the provisions appears to be one i.e. to further the cause of substantial justice and undertake all such measures that may be required in this direction."***

(emphasis added)

24. In **Ishwar Chand Sharma v. State of U.P.**: 2026 SCC OnLine SC 1004, the Hon'ble Supreme Court has expressed its concern and anguish over the rising trend in vexatious litigation, in the following words: -

"9. ... we wish to underline a worrying trend that has come to our attention. Parties involved in matrimonial or commercial relationships with one another are resorting to filing of frivolous and vexatious claims and allegations of a criminal nature to settle

used as a tool to file false and frivolous cases out of vengeance. While doing so, care should be taken to ensure that the rights and freedoms of innocent parties are not trampled or arbitrarily taken away by unscrupulous and baseless litigation.

9.2 ...The litigating parties and their advocates should also be cognizant of the fact that such vexatious filing of false and frivolous claims and cases cast unnecessary burden on the already overburdened machinery and apparatus of the State and Judiciary. This factor also diverts the attention of courts and its resources whereas genuine cases of the parties with actual verifiable grievances are not being able to be adjudicated in time owing to the time spent in adjudicating upon phantom claims of mischievous litigators seeking to create litigation out of thin air or in the absence of a cause to do so.

* * *

9.6 While we are conscious of the fact that there are instances and a plethora of cases that are true and deserve the utmost attention and deft handling on the side of authorities and Courts and which should be pursued vigorously to reach a logical conclusion, on the other side of the spectrum, are cases invoking such serious and heinous allegations which are prima facie vague, omnibus and general in nature and thereby lacking any material backing or evidence which should be shunned at the very threshold. We say so for the reason that if a person is made an accused and forced to face a criminal trial on general and sweeping allegations without bringing on record any specific instances of criminal conduct, it would tantamount to an abuse of the process of law and court. Hence, legal practitioners who tender advice in such cases must restrain parties from filing such false/frivolous complaints when requested to do so. Further, lawyers/advocates must also not advise filing of criminal complaints which are false/concocted so

facie case is made out or not, and whether there is any kernel of truth in the allegations or whether the said allegations have been made only with the sole intent of spite so as to harass the opposite party with a prolonged process of criminal litigation, arrest and sometimes a conviction which later on may result in an acquittal by a higher Court or in a worse case, no relief at all being given to an innocent party. ..."

(emphasis added)

25. Thus, the law is well settled that being a superior Court of record, this Court has the power to determine the questions relating to its own jurisdiction and nothing is beyond the jurisdiction of this Court, unless there is a specific statutory bar against the jurisdiction of this Court. Section 428 Cr.P.C. /Section 528 BNSS recognize the inherent powers of this Court to pass appropriate orders to secure the ends of justice and to prevent the abuse of the process of any Court. In appropriate cases, this Court can exercise its inherent powers even *suo motu*, even while exercising its appellate jurisdiction and filing of a petition under Section 482 Cr.P.C. / 528 BNSS is not a condition precedent for exercising the inherent powers to secure the ends of justice or to prevent the abuse of the process of any Court. Where even while exercising its appellate powers, it appears to this Court that continuance of any criminal proceedings would defeat the ends of justice and would result in abuse of the process of any Court, this Court not only has the power to interfere in exercise of its inherent powers, but it has the duty to exercise that power in deserving cases, so as to secure the ends of justice or to prevent the abuse of the process of any Court or law.

26. When the allegations levelled in the application under Section 173(4) BNSS are examined in light of the law laid down in the above mentioned cases, it appears that a 35-year-old married woman who is working as an instructor in an upper primary school (although in the affidavit filed before this Court she has stated on oath that she is merely literate), she has alleged that she allowed herself to be sexually exploited under allurements of recovering her husband's undisclosed amount of money, although her husband did not take any action for recovering his money. This allegation is wholly improbable. Moreover, she has not alleged use of force or deceit by

offence.

28. Although the complainant has mentioned in her application under Section 173 (4) BNSS filed before the Special Judge, SC/ST Act that she belongs to a Scheduled Caste, there is no allegation in the entire complaint which may make out commission of any offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

29. When the allegations levelled in the complaint do not make out commission of any offence, continuance of the proceedings of the complaint would result in an unwarranted persecution of the opposite parties, besides resulting in wastage of precious judicial time of the Courts. Continuance of the proceedings of the complaint in such circumstances would defeat the ends of justice and would be an abuse of the process of the Courts and the law. The frivolous and vexatious complaint having come to the knowledge of this Court through the appeal filed by the complainant herself, warrants *suo motu* exercise of the inherent powers of this Court so as to quash the entire proceedings of the complaint.

30. Accordingly, while exercising the inherent powers of this Court in the appeal presented by the appellant herself challenging the order dated 17.04.2026 passed by the learned Special Judge, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act)/Additional Sessions Judge, Lakhimpur Kheri in Miscellaneous Criminal Case No. 65/2026, whereby the application under Section 173(4) BNSS was treated as a complaint whereas the appellant wants a first information report to be registered in furtherance of her application, the order dated 17.04.2026 passed by the Special Judge treating the application under Section 173(4) BNSS filed by the appellant as a complaint, is **set aside**. The entire proceedings instituted on the basis of the application under Section 173(4) BNSS filed by the appellant against the opposite parties no. 2 to 4 are hereby **quashed**.

July 17, 2026

-Amit K-

(Subhash Vidyarthi,J.)

Whether the judgement is speaking :- Yes
Whether the judgement is reportable :- Yes