

2025 LiveLaw (SC) 1134

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

PANKAJ MITHAL; J., PRASANNA B. VARALE; J.

18 NOVEMBER, 2025

CRIMINAL APPEAL NO. 4920 OF 2025 (@ SLP (CRL.) NO. 5919/2025)

LAL CHANDRA RAM *versus* STATE OF U.P. & ORS.

Criminal Procedure Code, 1973 - Locus Standi to Lodge FIR - General Principle - Sections 67 and 136 of U.P. Revenue Code, 2006 – Held, the High Court erred in setting aside the cognizance taken by the Special Judge on the ground that the Gram Pradhan had no *locus standi* to lodge the First Information Report (FIR) - It is a well-recognized principle of criminal jurisprudence that anyone can set out or put the criminal law into motion except where the statute enacting or creating an offence indicates to the contrary - The Code of Criminal Procedure, 1973, has no provision which bars a citizen from filing a complaint for prosecution of a public servant or any other person who has allegedly committed an offence - The Prevention of Damage to Public Property Act, 1984 ('the 1984 Act'), which was invoked in the charge sheet, does not have any specific provision limiting the eligibility of the person making the complaint - The other Acts referred to in the charge sheet also do not indicate anything contrary to the general principle - Appeal allowed. [Relied on *Dr. Subramanian Swamy vs. Dr. Manmohan Singh & Anr.*, (2012) 3 SCC 64; Paras 6-10]

[Arising out of impugned final judgment and order dated 24-09-2024 in CRLA No. 2052/2024 passed by the High Court of Judicature at Allahabad]

For Petitioner(s) Mr. Divyesh Pratap Singh, AOR Mr. Shivangi Singh, Adv. Mr. Amit Sangwan, Adv. Mr. Suraj Prakash Singh, Adv. Mr. Abhinav Yash Pandey, Adv. Mr. Bharat Mishra, Adv. Ms. Tiwari Prashantipriya Awadesh, Adv.

For Respondent(s) Mr. Haraprasad Sahu, Adv. Mr. Pranaya Kumar Mohapatra, AOR Mr. Ajay Kumar Jain, Adv. Ms. Srishti Singh, AOR Mr. Jitendra Kumar Tripathi, Adv.

ORDER

1. Leave granted.
2. Heard learned counsel for the parties.
3. The criminal machinery was set into motion by lodging First Information Report ('FIR'), Case Crime No. 323 of 2023 at the behest of the Gram Pradhan.
4. In pursuance thereof, a charge sheet was submitted under Sections 147, 323, 504, 506 of the Indian Penal Code, 1860 (IPC), under Sections 3(1)(r), 3(1)(s), 3(2)(va) of SC/ST Act and Section 3/4 of the Prevention of Damage to Public Property Act, 1984 (for short 'the 1984 Act').
5. The Special Judge took cognizance of the aforesaid offences and ordered for the summoning of the respondents-accused. This order was challenged by them by filing Criminal Appeal No.2052 of 2024 "*Naushad And 3 Ors. vs. State of U.P. and Anr.*" before the High Court. The said appeal has been allowed by the order impugned dated 24.09.2024 primarily on the ground that the Gram Pradhan had no locus to lodge an FIR on which cognizance has been taken inasmuch as under the provisions of Sections 67 and 136 of the U.P. Revenue Code, 2006, it is the Bhumi Prabandhak Samiti or other authority or the Lekhpal concerned who has the authority to inform the concerned

Assistant Collector in the manner prescribed, but it is not for the Gram Pradhan to take action of his own.

6. The provisions of Sections 67 and 136 of the U.P. Revenue Code, 2006 are of a civil nature and operate in a totally different context where damages have to be ascertained or where the ejectment of the trespasser is required. However, for the purposes of setting the criminal machinery into motion for playing mischief with public property, the provisions of the 1984 Act gets attracted. It is for this reason that the FIR as well as the charge sheet speaks about charge under Section 3/4 of the 1984 Act also.

7. It is well settled by a catena of decisions of this Court especially "*Dr. Subramanian Swamy vs. Dr. Manmohan Singh & Anr.*" [(2012) 3 SCC 64], that there is no provision in the Code of Criminal Procedure, 1973 which bars a citizen from filing a complaint for prosecution of a public servant or any other person who has allegedly committed an offence. It has also been stated therein that it is a well recognized principle of criminal jurisprudence that anyone can set out or put the criminal law into motion except where the statute enacting or creating an offence indicates to the contrary.

8. In the case at hand, there is no specific provision in the 1984 Act which limits the eligibility of the person making the complaint.

9. None of the Acts referred to in the charge sheet indicate anything contrary to the above principle.

10. In view of the aforesaid facts and circumstances, we are of the opinion that the High Court manifestly erred in law in holding that since the Gram Pradhan was not the competent authority to lodge an FIR, the action of the Special Judge in taking cognizance and summoning the accused is bad in law.

11. Accordingly, the impugned order dated 24.09.2024 passed by the High Court is hereby set aside and the appeal is allowed. Pending application(s), if any, shall stand disposed of.