



2026:AHC:93276

HIGH COURT OF JUDICATURE AT ALLAHABAD
APPLICATION U/S 528 BNSS No. - 7481 of 2025

Smt. Mayya @ Prem Kumari And 2 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Markandey Rai, Pradeep Kumar Rai,
Sandeep Kumar Rai

Counsel for Opposite Party(s): Anil Kumar Dubey, G.A., Ram Milan
Dwivedi

A.F.R.

Court No. - 81

HON'BLE ACHAL SACHDEV, J.

1. Learned counsel for the applicants, learned A.G.A. for the State and learned counsel for the opposite party no. 2 are present.
2. From perusal of order sheet, it appears that this Court, vide order dated 11.08.2025, had granted three weeks time to the opposite party no. 2 to file counter affidavit but till date, no counter affidavit has been filed.
3. Learned A.G.A. submits that the matter has been decided in Lok Adalat which is not as per law laid down by the Hon'ble Supreme Court.
4. Perused the record.
5. The protest petition had been filed against the final report no. Nil/2016 dated 10.12.2016 submitted in NCR No. 141/2015 against which the complainant/informant had filed his protest petition and the protest petition was treated as complaint by the court of Judicial Magistrate, Banda, in National Lok Adalat vide order dated 09.12.2017.
6. Learned counsel for the applicants, by way of the present

application u/s 482 Cr.P.C., has challenged the order dated 09.12.2017 by which final report has been treated as complaint case in National Lok Adalat and also the impugned summoning order dated 28.03.2024 by which applicants have been summoned in Complaint Case No. 725/नौ/2017 (Gulab Singh Vs. Smt. Mayya Alias Prem Kumari and others) u/s 323, 504, 506 I.P.C., Police Station-Atarra, District- Banda.

7. Learned counsel for the applicants has drawn the attention of the Court to the judgement of Supreme Court in the case of **State of Punjab and Ors. Vs. Ganpat Raj, (2006) 8 SCC 364.**

8. A Magistrate has the legal authority to reject a police Final Report (FR) and instead treat the matter as a complaint case. However, this typically occurs in a regular court setting rather than during Lok Adalat proceedings, as Lok Adalats lack the jurisdiction to adjudicate or decide cases on merit if no settlement is reached.

9. Section 21 of the LSA Act provides that every award of a Lok Adalat shall be deemed to be a decree of a civil court, that it shall be final and binding on the parties to the dispute, and that no appeal shall lie against it. Similarly, section 22E, which deals with awards of a Permanent Lok Adalat, similarly declares that every award shall be final and binding on the parties and persons claiming under them, shall be deemed to be a decree of a civil court and shall not be called in question in any original suit, application or execution proceeding. Both provisions reflect a common legislative intent that such awards are to attain finality, are not appealable in the ordinary sense, and are to operate as decrees only for the limited purpose of execution. But in a case investigated by the police, when the police submit a report stating that no case is made out, the Magistrate has following primary options :

- 1) Accept the final report and close proceedings.
- 2) Disagree with the final report and take cognizance under Section 190(1)(b) Cr.P.C. based on the police papers.
- 3) Treat the protest petition/complaint as a complaint case under Section 190(1)(a) Cr.P.C. and proceed under Chapter XV (Sections

200–203 Cr.P.C.).

4) Direct further investigation.

10. If the Magistrate rejects the final report and registers the matter as a complaint, he must follow the complaint case procedure as laid out in Chapter XV of Cr.P.C,1973/Chapter XVI BNSS,2024

i) Record statements under Section 200 Cr.P.C.

ii) Conduct an inquiry under Section 202 Cr.P.C. if necessary.

iii) Only thereafter, if sufficient grounds exist, issue a process under Section 204 Cr.P.C.

11. The summoning order must reflect the application of the judicial mind. Courts have repeatedly held that a cryptic or mechanical order summoning the accused is invalid. (Pepsi Foods Ltd. and Another Vs. Special Judicial Magistrate & Others, 1998 CrLJ 01)

12. A Magistrate, while sitting as a member of Lok Adalat, has a limited jurisdiction regarding matters before him. The primary role of a Lok Adalat is to facilitate a settlement between the parties on the basis of their consent regarding the dispute. If no compromise is reached, the Lok Adalat must return the case to the regular court. It cannot perform judicial functions like rejecting an final report or deciding to treat it as a complaint case. Any judicial order rejecting a report and switching to a complaint procedure must be made by the regular court where the case was originally pending. Under the Legal Services Authorities Act, 1987, Lok Adalats are purely conciliatory forums, not adjudicatory ones.

13. If, after rejection of final report, the matter is "registered as a complaint" in Lok Adalat, that order itself is procedurally questionable. Since Lok Adalat cannot adjudicate or direct cognisance, such an order has no independent legal sanctity unless it reflects a compromise. Criminal complaints cannot be "registered" by Lok Adalat in substitution of the Magistrate's judicial function.

14. The settled principle is that if the initial order is without jurisdiction, all subsequent proceedings—including a summoning

order—stand vitiated and cannot survive. The Supreme Court has explicitly held that jurisdictional nullity taints every consequential step.

15. The Supreme Court has unequivocally held in **Estate Officer vs. Colonel HV Mankotia (2021 SCC ONLINE SC 898)** that Lok Adalats have no jurisdiction to decide cases on merits or pass judicial orders if a settlement is not reached. If parties do not reach a compromise, the Lok Adalat is statutorily bound to return the case file to the regular court for disposal according to law.

16. Acts such as "rejecting an FR" or "taking cognisance" are judicial functions that must be performed by a Magistrate in their regular court capacity, not as a member of a Lok Adalat panel. Once an order is found to be passed without jurisdiction, all subsequent proceedings automatically come to an end. If a Lok Adalat "registers" a complaint after FR rejection, that act is without jurisdiction (Lok Adalat cannot adjudicate or direct cognisance). Any summoning order flowing from such registration is vitiated because its foundation is void.

17. The order of the Lok Adalat in this case (extracted above), shows that it assumed a judicial role and ignored the absence of consensus while passing an order rejecting the Final Report in NCR No. 141 of 2015 and ordered the same to be registered as a complaint case.

18. For the sake of convenience, Sections 20 and 21 of the Legal Services Authorities Act, 1987 are being reproduced hereinbelow :

20. Cognizance of cases by Lok Adalats.—(1) *Where in any case referred to in clause (i) of sub-section (5) of section 19,—*
(i)(a) the parties thereof agree;

or (b) one of the parties thereof makes an application to the Court, for referring the case to the Lok Adalat for settlement and if such court is prima facie satisfied that there are chances of such settlement; or

(ii) the court is satisfied that the matter is an appropriate one to be taken cognizance of by the Lok Adalat, the Court shall refer the case to the Lok Adalat: Provided that no case shall be referred to the Lok Adalat under sub-clause (b) of clause (i) or clause (ii) by

such court except after giving a reasonable opportunity of being heard to the parties.

(2) Notwithstanding anything contained in any cither law for the time being in force, the Authority or Committee organising the Lok Adalat under sub-section (1) of section 19 may, on receipt of an application from any one of the parties to any matter referred to in clause (ii) of sub-section (5) of section 19 that such matter needs to be determined by a Lok Adalat, refer such matter to the Lok Adalat, for determination: Provided that no matter shall be referred to the Lok Adalat except after giving a reasonable opportunity of being heard to the other party.

(3) Where any case is referred to a Lok Adalat under sub-section (1) or where a reference has been made to it under sub-section (2), the Lok Adalat shall proceed to dispose of the case or matter and arrive at a compromise or settlement between the parties.

(4) Every Lok Adalat shall, while determining any reference before it under this Act, act with utmost expedition to arrive at a compromise or settlement between the parties and shall be guided by the principles of justice, equity, fair play and other legal principles.

(5) Where no award is made by the Lok Adalat on the ground that no compromise or settlement could be arrived at between the parties, the record of the case shall be returned by it to the court, from which the reference has been received under sub-section (1) for disposal in accordance with law.

(6) Where no award is made by the Lok Adalat on the ground that no compromise or settlement could be arrived at between the parties, in a matter referred to in sub-section (2), that Lok Adalat shall advice the parties to seek remedy in a court.

(7) Where the record of the case if returned under sub-section (5) to the court, such court shall proceed to deal with such case from the stage which was reached before such reference under sub-section (1).]

21. Award of Lok Adalat.— *[(1) Every award of the Lok Adalat shall be deemed to be a decree of a civil court or, as the case may be, an order of any other court and where a compromise or settlement has been arrived at, by a Lok Adalat in a case referred*

to it under sub-section(1) of section 20, the court-fee paid in such case shall be refunded in the manner provided under the Court-fees Act, 1870 (7 of 1870).]

(2) Every award made by a Lok Adalat shall be final and binding on all the parties to the dispute, and no appeal shall lie to any court against the award.

19. Perusal of Annexure No. 1 shows that Complaint Case No. 725/नौ/2017 (Gulab Singh Vs. Smt. Mayya Alias Prem Kumari and others) was fixed in National Lok Adalat on 09.12.2017 and the following order was passed in the case :

पत्रावली राष्ट्रीय लोक अदालत में पेश हुयी। परिवादी उपस्थित। परिवादी की ओर से प्रोटेस्ट यार्चिका प्रस्तुत की गयी तथा विपक्षी को तलब किये जाने की याचना की गयी है।

सुना तथा पत्रावली का अवलोकन किया। पत्रावली के अवलोकन से विदित है कि अन्तिम आख्या जिन आधारों पर प्रस्तुत की गयी है यदि वह पुनः अग्रेत्तर विवेचना हेतु प्रेषित की जाती है तो प्रकरण निष्पक्ष विवेचना किये जाने की सम्भावना नहीं है। उपलब्ध प्रपत्रों के आधार पर विपक्षीगण को तलब किये जाने भी आधार पर्याप्त नहीं हैं किन्तु परिवादी प्रकरण के सभी आवश्यक तथ्यों से परिचित भी है। साक्षीगण भी उसकी पहुंच की परिधि में है। प्रकरण को वह अपने साक्ष्यों के माध्यम से भी साबित कर सकता है। प्रस्तुत प्रकरण में अग्रेत्तर विवेचना अथवा विपक्षीगण को तलब किये जाने के स्थान पर मामले को परिवाद के रूप में संस्थित किया जाना न्यायोचित होगा।

आदेश

अन्तिम आख्या Nil/16 दिनांकित 10/12/2016 निरस्त करते हुये प्रकरण को परिवाद के रूप में दर्ज किया जाता है। कार्यालय अविलम्ब अनुपालन सुनिश्चित करे तत्पश्चात पत्रावली वास्ते साक्ष्य अन्तर्गत धारा- 200 दं०प्र०सं० दिनांक 3/2/18 को पेश हो।

20. The final report was rejected and case was registered as a complaint case. In consequence to order dated 09.12.2017, the order dated 28.03.2024 was passed in the case of Gulab Singh Vs. Smt. Mayya Alias Prem Kumari and others, arising out of order dated 09.12.2017 on protest petition filed on final report Nil/2016 dated 10.12.2016 in N.C.R. No. 141/2015 u/s 323, 504, 506 I.P.C., Police Station- Atarra, District- Banda and accused/applicant nos. 1, 2 and 3, namely, Smt. Mayya @ Prem Kumari, Smt. Ranjana and Km. Bandana were summoned as accused in the aforementioned case.

21. In the eyes of law and ratio given by the Supreme Court in a catena of judgements, the impugned cognizance/summoning order dated 28.03.2024, impugned order dated 0912.2017 as well as entire proceedings of Complaint Case No. 725/नौ/2017 (Gulab Singh Vs. Smt. Mayya Alias Prem Kumari and others), are not sustainable in law and are hereby quashed.

22. The present application u/s 528 B.N.S.S. is accordingly **allowed**.

April 23, 2026
KS

(Achal Sachdev,J.)