

To,

The Superintendent of Police,
District Gonda, Uttar Pradesh.

Subject: Complaint seeking departmental action against SHO, Police Station Chhapiya and Investigating Officer in relation to illegal registration and investigation of FIR No. 0221 of 2026.

Sir,

I most respectfully submit as under:

1. That FIR No. 0221 of 2026 dated 26.05.2026 has been registered at Police Station Chhapiya, District Gonda under Sections 115(2), 352 and 351(3) of the Bharatiya Nyaya Sanhita, 2023. The FIR itself reflects that the case has been registered under the aforesaid sections and investigation has been assigned to the Investigating Officer.
2. That as per the First Schedule of the Bharatiya Nagarik Suraksha Sanhita, 2023, Sections 115(2), 352 and 351(3) BNS are non-cognizable and bailable offences triable by any Magistrate.
3. That Section 2(h) of the Bharatiya Nagarik Suraksha Sanhita, 2023 defines a cognizable offence and the offences alleged in the present FIR do not fall within the category of cognizable offences.
4. That Section 174(2) BNSS specifically mandates as follows:
“No police officer shall investigate a non-cognizable case without the order of a Magistrate having power to try such case or commit the case for trial.”
5. That despite the clear statutory prohibition contained in Section 174(2) BNSS, the SHO, Police Station Chhapiya, proceeded to register a regular FIR and thereafter entrusted the matter for investigation without obtaining any prior order from the competent Magistrate.
6. That the action of the SHO and Investigating Officer is contrary to the mandatory provisions of BNSS, amounts to abuse of statutory powers and reflects a serious lack of knowledge regarding the basic distinction between cognizable and non-cognizable offences.
7. That registration of a regular FIR and commencement of investigation in a non-cognizable case, without obtaining authorization from the competent Magistrate, is a grave procedural illegality which adversely affects the rights of citizens and undermines the rule of law.

- 8.** That the conduct of the concerned officers warrants immediate administrative and disciplinary scrutiny so that similar illegal actions are not repeated in future.

In view of the above facts, it is most respectfully prayed that:

- A.** A departmental enquiry/disciplinary proceeding be initiated against the then SHO, Police Station Chhapiya, District Gonda and the concerned Investigating Officer for illegally registering and investigating FIR No. 0221 of 2026 in violation of Section 174(2) BNSS.
- B.** Both officers be placed under suspension pending enquiry, if found prima facie responsible for the said illegality.
- C.** The concerned officers be directed to undergo mandatory legal and procedural training regarding the provisions of BNS and BNSS, particularly concerning cognizable and non-cognizable offences.
- D.** Till successful completion of such training, no investigation work be entrusted to them.
- E.** Appropriate punishment and adverse service consequences be imposed upon the guilty officers in accordance with law and applicable service rules.
- F.** Such other action as may be deemed fit and proper in the interest of justice and maintenance of lawful police administration be taken.

Place: High Court Lucknow

Date:02.06.2026

Complainant



Sajjad Husain Advocate

Advocate Chamber No. 515 Block C High Court Lucknow

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