



2026:AHC:129425

HIGH COURT OF JUDICATURE AT ALLAHABAD

MATTERS UNDER ARTICLE 227 No. - 3629 of 2026

Smt Sanno Devi

.....Petitioner(s)

Versus

State Of U.P. And 8 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ram Awtar
Counsel for Respondent(s)	:	G.A.

Court No. - 68

HON'BLE VIKAS BUDHWAR, J.

1. Compliance affidavit filed on behalf of the State is taken on record.
2. Heard Sri Ram Awtar, learned counsel for the petitioner-informant, Sri Raj Shekhar Srivastava, learned AGA for the State-respondent nos. 1 & 2.
3. In view of the order which is being proposed to be passed, notices are not being issued to respondent Nos. 3 to 9.
4. A statement has been made by the learned counsel for the informant-petitioner that he does not propose to file any response to the compliance affidavit and the petition be decided on the basis of the documents available on record. With the consent of the parties, the petition is being decided at the fresh stage.
5. The case of the informant-petitioner is that she had lodged a first information report before the Police Station- Jhunsī, District-Commissionerate Prayagraj, being FIR No.0016 of 2017 on 05.01.2017 at 12:30 hours under Sections 392, 354-Kha, 504, 506, 323, and 147 IPC against the private respondents herein. According to the first informant-petitioner, she was not made aware about the progress in the investigation, which constrained her to file the present petition in which the following relief has been sought.

"(i) Issue order or direction, direct the learned Additional Chief Judicial Magistrate Court No.5, Allahabad to pass appropriate order in accordance with law and procedure, mentioned under BNSS against the

accused by the Investigating Officer lodged by petitioner bearing FIR dated 5.1.2017 registered in Case Crime No.16/2017 under Sections 147, 323, 504, 506, 354(Kha) and 392 I.P.C. lodged by petitioner with police station Jhunsi, District Prayagraj and charge-sheet no.158/2017 dated 16.2.2018 submitted by I.O. before court concerned expeditiously within stipulated period to be fixed by this Hon'ble Court."

6. This Court, on 21.04.2026, proceeded to pass the following orders:-

"1. Certified copy of the order dated 10.4.2026 passed on the Correction Application No. 3 of 2026 in Matters under Article 227 No. 2416 of 2026 is taken on record.

2. Learned A.G.A. for the State is directed to obtain instructions as to the date when the charge sheet has been submitted in the present case before the court concerned and when the order has been passed by the court concerned.

3. List this case on 12.05.2026 as fresh."

7. Thereafter, on 12.05.2026, the following orders were passed:-

"1. Learned A.G.A. for the State prays for and is granted time to file affidavit as to the date when the charge sheet was submitted before the court concerned.

2. List this case on 4.6.2026 as fresh."

8. Today, a compliance affidavit has been filed, sworn by the Sub-Inspector, Police Station Jhunsi, District Prayagraj dated 16.06.2026, in which, in paragraph 6, it has been asserted that post-investigation it was found that one of the co-accused, Lal Mani and Prithvi Pal, were not found guilty of the offences under Section 354-B, 392 IPC, and that regard to Ram Kailash, Lalji, Aditya Bhartiya @ Banti, Kamlesh Bhartiya @ Raju, and Jiya Lal Bhartiya, a charge-sheet has been submitted bearing No.158 of 2017 on 16.7.2017 against them under Sections 147, 323, 504, and 506 IPC. In paragraph 8, it is also recited that the charge-sheet has been forwarded to the court vide Register No.4 entry dated 16.02.2018.

9. Learned counsel for the petitioner has invited attention towards the questionnaire, which is at page-37 of the paper-book, so as to contend that the whereabouts of the charge-sheet are not traceable.

10. In the opinion of the Court, once a final report or charge-sheet is submitted, then the statute itself provides for the remedy. As in the case of a final report, the complainant/informant has a right to file a protest petition, and with regard to the submission of a charge-sheet, the accused can take legal recourse. Thus, as regards the allegation that the documents are not available before the court below, it is for the petitioner to approach the District and Sessions Judge by filing an appropriate application, who shall thereupon get conducted an investigation and also trace the documents or nominate any officer to do so.

11. Accordingly, an opportunity is accorded to the petitioner to take such steps as required and permissible under law.

12. With the said observations, the petition stands ***disposed of***.

(Vikas Budhwar,J.)

June 25, 2026

Vikas Verma