



2026:AHC:61499

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 1980 of 2026

Pawan Kumar @ Jagannath

.....Revisionist(s)

Versus

State Of U.P. And 7 Others

.....Opposite
Party(s)

Counsel for Revisionist(s)	:	Hitesh Pachori
Counsel for Opposite Party(s)	:	G.A.

Court No. - 86

HON'BLE SUBHASH CHANDRA SHARMA, J.

Heard learned counsel for the revisionist as well as learned A.G.A. on the point of admission.

The present criminal revision has been filed by the revisionist with prayer to set aside the impugned order dated 03.01.2026 passed by learned Special Judge (D.D.A. Act/Additional Session Judge, Court No. 3, Agra in Criminal Misc. Application No. 1056 of 2025 moved under Section 173(4) BNSS under Section 310(2), 115(2), 352, 351(2), 61(2), 190, 191(2), 191(3), 333 BNS, Police Station Iradat Nagar, District Agra.

It is submitted by learned counsel for the revisionist that an application under Section 173(4) BNSS was filed by the revisionist before the learned trial court to direct the police to register the case, since the revisionist was beaten by the opposite party on account of dispute relating to field. In this incident, precious items of the house and golden chain was snatched away from the neck of Baldev and tractor was also damaged. The incident was seen by several persons of the village and when rescued, they fled away by abusing and threatening to kill. Injured went to the police station but no action was taken by the police, when he moved an application before the Police Commissioner, Agra on 13.10.2025 through speed post but no any action was taken against the opposite party and no case was registered that was the reason he filed an application on 28.10.2025 before the learned trial court on which the learned trial court called for a report from the police station concerned. In this regard report was submitted by the police that there was dispute relating to land between both the parties and Case Crime

no. 117 of 2025, under Section 115(2), 352, 351(3) 109(1) BNS was lodged against the revisionist at Police Station Iradat Nagar. Keeping in view the report of the police, the learned trial court rejected the application and held that the revisionist filed an application with ulterior motive to make pressure on opposite party. He further submitted that since, the case was not registered by the police, so he got the injured person medically examined in private hospital in which treatment was also provided but they could not be examined in Government Hospital in lack of Majrubi Chiththi. It is also submitted that the incident in both the cases is said to have taken place on 12.10.2025 at 5.30 P.M. therefore, it cannot be said that there was no marpeet between the parties and the revisionist has filed this application with ulterior motive. The learned court concerned ignored these facts while deciding the application under section 173(4) BNSS, therefore, request to set aside the order passed by learned trial court and allow the revision.

Learned A.G.A. opposed the prayer as aforesaid.

On considering the facts and circumstances of the case, submissions made by learned counsel for the revisionist as well as learned A.G.A. perusal of record, order passed by learned trial court dated 03.01.2026 it appears from the contents of the application moved by the revisionist before the learned Special Judge (Dacoity Affected Area)/ Additional Sessions Judge, Court No. 3 Agra that the opposite parties came to the house of the revisionist armed with hockey, lathi, axe and started abusing and also assaulted them causing injuries on the person of injured on whose hue and cry other members of the family came there who were also beaten and precious items and golden chain was also snatched away from the neck of Baldev and tractor was also damaged. People from the village came there as a result accused persons went away. He went to the police station but no action was taken as a result he got himself medically examined on 13.10.2025 and sent an application to the Police Commissioner, Agra then filed present application under section 173(4) BNSS before the learned trial court. It also transpires that Crime no. 117 of 2025, under Section 115(2), 352, 351(3) 109(1) BNS has already been lodged by Tarachandra against the present revisionist and three other accused persons. In the injury report said to be prepared in the private hospital, there was no any injury on the person of injured except complaint of pain and prescription of some medicines. The learned trial court has considered all these facts and then passed the order in question, therefore, it warrants no interference in this criminal revision,

however, the revisionist may have an option to file a complaint before learned Court in this regard and this order will not be a bar since all the facts relating to the incident are within their knowledge.

Accordingly, this criminal revision is ***dismissed***.

March 25, 2026
Anurag Singh

(Subhash Chandra Sharma,J.)