



2026:AHC:65743

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 1973 of 2026

Lakhan Singh

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Revisionist(s)	:	Viveka Nand Rai
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. and perused the record.

The present criminal revision has been filed by the revisionist with prayer to allow the revision and set aside the impugned order dated 19.01.2026 passed by Chief Judicial Magistrate, Agra in Misc. Case No. 1845 of 2025 (Lakhan Singh Vs. Unknown) arising out of Case Crime No. 110 of 2024, under Section 302 IPC, Police Station Kirawali, District Agra by which final report was accepted while rejecting the protest application.

It is submitted by learned counsel for the revisionist that in this case, son (Harendra) of revisionist went on motorcycle with the deceased Pankaj who committed suicide later on. The deceased Harendra enticed away the daughter of the opposite party no. 2 one and half year prior to the alleged incident, thereafter the girl came back and was sent to Haryana with her uncle by her father. In the present incident there were several injuries on the person of the deceased Harendra. Further submitted that at the time of lodging of F.I.R. the informant was not known to the fact that his son had been murdered by the opposite party no. 2 in retaliation of affair between his daughter and the deceased. The injuries on the person of the deceased indicate that he was murdered and it was not a case of motorcycle accident. The police has not investigated the case in proper manner and has filed final report.

Protest application was also filed by the revisionist before the learned court but it was not considered in accordance with law and protest application was rejected and final report was accepted though the learned trial court had an option to treat the protest application as complaint but this option was also not taken recourse, therefore, request to set aside the order passed by learned trial court as being illegal and allow the revision and to direct either for further investigation or treating the protest as complaint.

Learned A.G.A. opposed the prayer as aforesaid and contended that only on the basis of suspicion the informant has contended that his son/deceased Harendra was murdered by the opposite party no. 2 on account of enticement of his daughter by the deceased one and half year prior to the alleged incident. During the course of investigation, the Investigating Officer has collected the material in proper manner and it was found that Pankaj and Harendra both were riding on motorcycle and the deceased was under influence of intoxication and location of Pankaj and Harendra was on the same place on the date of incident. In CCTV footage also the deceased was seen tilted on one side and as a result of falling from motorcycle, injuries were caused on his head and other parts of the body. Pankaj was under fear that he will be implicated in the case as a result he committed suicide. No any material was found to establish that the opposite party no. 2 has committed murder of the deceased Harendra. Learned trial court has also exercised its jurisdiction in proper manner. The informant/revisionist is known to all the facts of the case and if he had any evidence, he may adduce before the learned trial court while filing the complaint. Only on the basis of suspicion, it cannot be said that the opposite party no. 2 has committed murder of the deceased Harendra. The informant/ revisionist may have an option to move a complaint and this order will not become a bar.

On considering the submissions made by learned counsel for the revisionist as well as learned A.G.A. perusal of record, the material collected during the course of investigation and order passed by learned Magistrate, there appears no any illegality or impropriety in the order passed by learned court concerned, since

the informant has only expressed suspicion for commission of murder of the deceased against the opposite party no. 2 whose daughter was enticed away by the deceased one and a half year prior to the alleged incident. In this way, the order passed by learned Magistrate dated 19.01.2026 requires no interference. The revisionist may have an option to file a complaint since there is nothing such as requiring investigation.

Accordingly, the present revision is ***disposed of*** finally.

March 30, 2026
Anurag Singh

(Subhash Chandra Sharma,J.)