



2026:AHC:2541

HIGH COURT OF JUDICATURE AT ALLAHABAD

MATTERS UNDER ARTICLE 227 No. - 15414 of 2025

Krishna Bihari Yadav

.....Petitioner(s)

Versus

State Of U.P. And 8 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Vijai Kumar Mishra
Counsel for Respondent(s)	:	G.A., Om Krishna Yadav

A.F.R.

Court No. - 53

HON'BLE SAMIT GOPAL, J.

1. List revised.

2. Heard Sri Vijai Kumar Mishra, learned counsel for the petitioner, Sri Om Krishna Yadav, learned counsel for the respondent no.8 and Sri Bade Lal Bind, learned counsel for the State and perused the records.

3. Vakalatnama of Sri Om Krishna Yadav is not on record despite his name being printed in the cause list.

4. Office to trace out the same and place it on record and make a note in the order sheet about it.

5. This petition for writ under Article 227 of the Constitution of India has been filed by the petitioner **Krishna Bihari Yadav** son of late Kalideen, with the prayers to issue a order or direction to set-aside the order dated 30.08.2025 in Petition No. 669 of 2025 U/s 12/13 Human Right Protection Act (Krishna Bihari Yadav Vs. Raj Kumar Pandey and others) passed by Human Right Protection Commission/Special Judge Additional District and Sessions Judge, Court No.1, Allahabad and with a further prayer to issue a order or direction by directing the Human Right Protection Commission/Special Judge Additional District and Sessions Judge, Court No.1 Allahabad to allow the prayer made by the petitioner with regard to registering a First Information Report against respondent no.2 to 7 after making proper inquiry under Sections 115(2), 119(1), 119(2), 198, 199, 308(5), 308(6), 352, 351(2)(3), 332, 324(4), 61(2), 201, 229, 248, 255, 256, 257, 258 BNS.

6. Learned counsel for the petitioner strenuously argued that the order impugned dated 30.08.2025 passed by the Human Rights Protection Commission/Special Judge, Additional District and Sessions Judge, Court No.1, Allahabad is an illegal order inasmuch as the court has allowed his application numbered as Paper No. 14-kha to the records but by the same

stroke has dismissed his petition being Petition No. 669 of 2025 and the matter has been directed to be consigned to records. It is submitted that the said order thus is totally illegal, perverse and deserves to be set aside. It is submitted that if the application paper No.14-kha of the petitioner was allowed by the court concerned the Crl. Misc. Case No. 669 of 2025 (Krishna Bihari Yadav Vs. Ram Kumar Pandey and others) could not have been ordered to be dismissed. It is submitted that as such the present petition be allowed and the prayers as prayed be granted.

7. Learned counsel for the opposite party no.8 raises a preliminary objection in the present matter by submitting that in so far as the respondent nos. 8 and 9 namely Bhola Yadav and Awadhesh Kumar Yadav are concerned, they are not impleaded as respondents in the original application filed before the court concerned by the petitioner and thus they could not have been impleaded as respondents in the present petition. It is submitted that the said act is totally mischievous act and the petition deserves to be dismissed on the said ground itself. Further he submits that there has been material concealment and misstatement in the present petition for writ inasmuch as the petitioner in para no. 1 states it is the first petition for the relief claimed therein whereas after the order impugned dated 30.08.2025 he moved another petition under Section 12 and 13 of the Human Rights Act, 1993 before the court of Human Rights Protection/Additional District and Sessions Judge, Court No.1, Prayagraj being Petition No. 938 of 2025 (Krishna Bihari Yadav Vs. Ram Kumar Pandey and others) which stood dismissed vide order dated 05.11.2025, copy of the order has been produced before the Court which is taken on record. It is submitted that there is no disclosure about the said fact which was relevant and important and should have been mentioned in the present petition. It is submitted that even the petitioner has moved application before the Human Rights Commission, Lucknow and the proceedings therein are going on in which replies have been sought from the police authority also and the petition/complaint therein is pending and even the fact has not been disclosed in the present petition for writ. It is submitted that thus there is material concealment of relevant facts and the present petition be dismissed with exemplary cost.

8. Learned counsel for the State also opposed the petition and arguments of learned counsel for the petitioner and submitted that that in so far as the order impugned is concerned, the same was passed on an application dated 29.08.2025 filed by the petitioner/complainant Krishna Bihari Yadav before the court concerned mentioning therein that due to inadvertence the complaint has been filed before wrong court whereas it should have been filed before the District and Sessions Judge, Allahabad and thus he had prayed that he may be permitted to file a fresh petition before the appropriate court and the petition filed by him be directed to be withdrawn. It is submitted that the said application was moved as paper No.14-kha before the court concerned and vide order dated 29.08.2025 the said application was allowed by specific order and the petition as filed

before the court concerned numbered as Petition No. 669 of 2025 was dismissed and thus the natural consequences which flows is that the petition has been withdrawn seeking liberty to file it before the appropriate court which was allowed and the petitioner before this Court had the liberty to file the petition before the appropriate court. It is submitted that there is nothing on record to show that the petitioner approached the concerned court for filing of his petition. It is submitted that there is no illegality or irregularity in the order impugned and the said order has been passed on the Application No. 14-kha of the petitioner himself which was for the said prayer which was allowed in full. He further submits that the filing of the present petition is clearly abuse of process of court and the same be dismissed with cost.

9. After having heard learned counsels for the parties and perusing the records, it is evident that the petitioner filed a complaint before the court of the Human Rights Commission/Special Judge, Additional District and Sessions Judge, Court No.1, Prayagraj numbered as Petition No. 669 of 2025 (Krishna Bihari Yadav Vs. Ram Kumar Pandey and others) under Sections 12 and 13 of the Human Rights Act, 1993, the matter was pending before the said Court after which an application dated 29.08.2025 numbered as paper No.14-kha before the court concerned was filed by the petitioner mentioning therein that due to inadvertence the said case has been filed before the said court whereas it had to be filed before the Court of District and Sessions Judge, Allahabad and thus it was prayed that the said petitioner may be permitted to file a fresh petition before the appropriate court and his petition to be directed to be returned and appropriate orders be passed. On the said application, the court concerned vide order impugned dated 30.08.2025 allowed the application paper No. 14-kha of the petitioner and dismissed the Petition No. 669 of 2025. The said order is a specific order in the facts and circumstances of the case as prayed by the petitioner himself. There is no illegality or irregularity in the same since the petitioner had prayed for withdrawal of his petition and approaching the appropriate court as per his wisdom as mentioned in his application No. 14-kha to the records. The said application was allowed and his complaint was dismissed.

10. This Court does not find any patent illegality or irregularity in the order impugned dated 30.08.2025. The same has been passed on an application filed by the petitioner himself before the court concerned and his prayer was allowed.

11. Now coming to the concealment of relevant and material facts in the present petition for writ, the records show that the respondents nos. 8 and 9 namely Bhola Yadav and Awadhesh Yadav respectively are not the respondents in the original application dated 07.06.2025 filed by the petitioner before the court concerned, certified copy of which is from page 16 of the paper book. No reason whatsoever has been stated as to why new persons have been impleaded as respondents in the present

petition. Learned counsel for the petitioner also is unable to satisfy the Court regarding the reason why new persons who were not initially respondents in the complaint have been impleaded as respondents in the present petition. This fact remains a mystery.

12. Further the fact that subsequent to the order impugned dated 30.08.2025 passed by the trial court, a petition under Section 12 and 13 of the Human Rights Act, 1993 was again filed by the petitioner before the Court of Human Rights Protection Commission/Additional District and Sessions Judge, Court No.1, Prayagraj numbered as Petition No. 938 of 2025 (Krishna Bihari Yadav Vs. Ram Kumar Pandey and others) and the same was dismissed vide order dated 05.11.2025 is also neither pleaded nor disclosed in the present petition. Learned counsel for the petitioner further could not justify regarding the non-disclosure before this Court in the present petition of filing of a subsequent petition for the same cause before the court concerned.

13. The law with regards to pleadings and disclosure of relevant and important facts is trite as has been held by the Apex Court in the cases of **S.P. Chengalvaraya Naidu Vs. Jagannath: (1994) 1 SCC 1 ; Bhaskar Laxman Jadhav Vs. Karmveer Wagh Education Society & Others: (2013) 11 SCC 531 ; Moti Lal Songara Vs. Prem Prakash @ Pappu: (2013) 9 SCC 199 ; Nidhi Kaim Vs. State of Madhya Pradesh: (2017) 4 SCC 1 ; Kusha Duruka Vs. State of Odisha: (2024) 4 SCC 432 ; Vishnu Vardhan @ Vishnu Pradhan Vs. The State of Uttar Pradesh & others: 2025 INSC 884**, it has been held that in no specific terms that a litigant has come to Court with clean hands and disclose all the facts of the case. It has further been held that it is not for him to choose as to which fact has to disclose and which is not to be disclosed. It is held that he has to disclose each and every fact pertaining to the matter before the Court and leave it on the Court to decide it. He cannot decide what to disclose and what not to disclose before the Court. Further regarding the disclosure the law as has been settled is to the extent that even a passing reference of a certain facts has not been considered to be a disclosure of a fact and it has to be in full and complete.

14. In the present case, there is concealment of relevant fact and material. The order dated 05.11.2025 as passed by the court concerned and then the applicant moving the second petition for the same cause has not been disclosed in the present petition. Even arraying new parties in the present petition who were not respondents in the original petition before the court concerned is also a new instance without any justifiable reason.

15. This Court has come to the conclusion that filing of the present petition is clearly abuse of process of Court and its filing also flows from severe concealment of material and relevant facts. On merits there is no illegality or irregularity in the order impugned. The present petition is thus **dismissed** with a exemplary cost of Rs. 20,000/- which is imposed

on the petitioner, to be deposited within a period of three weeks before the Registrar General of this Court. When the said amount is deposited, the same shall be transferred to the account of the High Court Legal Services Committee for its utilization. If the said amount is not deposited, the Registrar General shall issue a letter to the District Magistrate/Collector, Prayagraj for recovery of the said amount as land revenue from the writ petitioner who shall recover it and transmit to the Registrar General of this Court for its utilization as stated aforesaid.

(Samit Gopal,J.)

January 7, 2026
M. ARIF