



UPSR010002542026

In the Court of Sessions Judge, Shravasti

Presiding Officer– Dinesh Chand, HJS–UP06538

Criminal Revision No. 11-2026

Chalfira aged about 53 years, wife of Sarfaraz
Resident of Manudih, Hamlet Lalpur Haridih,
P.S. Hardattnagar Girant, District-Shravasti

.....**Revisionist.**

Vs.

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| 1. Irshad aged about 35 years, s/o Salamat | All residents of Manudih
Hamlet Lalpur Haridih
P.S. Hardattnagar Girant,
District-Shravasti |
| 2. Salamat Khan aged about 50 years, s/o Yar Mohd. | |
| 3. Sageer aged about 40 years, son of Yar Mohd. | |
| 4. State of U.P. | |

.....**Respondents/Opposite Parties.**

JUDGMENT

1. This Criminal Revision under section 438, 440 BNSS, 2023 has been preferred against the order dated 23.12.2025 passed by Learned C.J.M, District-Shravasti in Criminal Misc. No. 1138/2025 Chalfira Vs. Irshad & Ors., whereby Learned Magistrate has rejected the application of revisionist/complainant moved under section 173(4) BNSS.

2. In brief, the facts arising out of this criminal revision are that the revisionist/complainant had filed an application under section 173(4) BNSS against the opposite parties. It is stated therein that on 22.07.2025 at around 07:00 PM, while the complainant was returning home after answering the call of nature, the opposite parties, namely Irshad son of Salamat Khan, Salamat Khan son of Yaar Mohammad, and Sageer son of Yaar Mohammad, residents of Manudih Hamlet of Lalpur Haridih, P.S. Harduttanagar Girant, intercepted her. Making obscene remarks and acting with a malafide intent, they grabbed her hand while dragging her, saying, she files complaints against them, they must humiliate her. With the

intent of outraging her modesty, they began stripping off her clothes and tore some of it. Thereupon, on raising an alarm her daughter-in-law Salma, Nanka, and the villagers arrived and saved her. The opposing parties are domineering (or aggressive/bully) type of people. Criminal cases in Case Crime No. 191/2011 under Section 459 IPC, Case Crime No. 852/2011 under Section 116(G) Cr.P.C, Case Crime No. 316/2017 under Sections 323, 352, 504, 506 IPC and Section 3/10 SC/ST Act, and Case Crime No. 383/2017 under Section 3(1) U.P. Goonda Act are currently pending against the opposite party Salamat Khan in Police Station Mallhipur, District Shravasti. Due to this, the morale of the opposite parties is high, and they may commit an untoward incident at any time. Regarding the incident that occurred with the complainant, she had already submitted an application to the competent authority at the district level against the opposite parties, but no action has been taken till date. Thereafter, revisionist/complainant had filed an application u/s 173 (4) of BNSS, 2023 for registration the case against the respondents before the Court of CJM, Shravasti.

3. After hearing Ld. Counsel for revisionist/complainant and summoning the report from the concerned Police Station passed the impugned order by which Ld. CJM, Shravasti has rejected the application of the complainant/revisionist. Feeling aggrieved by this order, the revisionist has filed this criminal revision.

4. I have heard learned counsel for revisionist and learned D.G.C (Criminal) on behalf of the State at length and perused the record carefully. Opposite parties No. 1 to 3 did not appear in the Court despite service of summons.

5. Ld. counsel for the revisionist has argued that the impugned order dated 23.12.2025 passed by Trial Court is completely against the law and based on incorrect facts, and is therefore liable to be rejected. Ld. Trial Court rejected the application submitted by the revisionist without considering the seriousness of the incident, merely giving priority to the report of the local police station. The rejection the revisionist's application by the trial court, citing the prior registration of criminal case numbers 125/2025 and 126/2025 on the grounds that the truth of the incident is not emerging and that a false case has been filed due to litigation malice, is absolutely incorrect. This is because it is not true that if a First Information Report has been lodged for one incident, the accused cannot commit a second incident. The incident that occurred with the revisionist is of a serious nature and it is necessary to get an FIR registered and investigated on it. Ld. Counsel for revisionist has prayed to set aside the impugned order.

6. On the contrary, learned D.G.C. (Criminal) submitted that the impugned

order dated 23.12.2025 is lawful. There is no material illegality or irregularity in the impugned order. Hence, revision has no force and liable to be rejected.

7. On an application moved under Section 173(4) BNSS, learned Magistrate has three options:

(i) If from the contentions of the application a cognizable offence is made out and in the facts and circumstances of the case, the Magistrate thinks it just and proper, he may order for investigation.

(ii) If from the contentions of the application a cognizable offence is made out but in the fact and circumstances of the case, the Magistrate thinks that there is no necessity of any investigation, he may register the application as a complaint case.

(iii) If from the contentions of the application, the Magistrate came to the conclusion that no cognizable offence is made out, he may reject the application.

8. I have gone through the facts of the case laws and perusal of records. From perusal of the record and report of concerned Police Station and incident took place on 22.07.2025 between the parties. It was found that on 11.06.2025, a dispute arose between the two parties regarding the members of the wedding procession that had arrived at Hameen's house. In connection with this, based on the application given by complainant Chalfira at the local police station, FIR Case No. 125/2025 was registered on 12.06.2025 under sections 115(2), 321, 351(3) of the BNS against Salamat Khan S/o Yar Mohammad Khan, Irshad Khan S/o Salamat Khan, Sagir S/o Yar Mohammad Khan, residents of Manudih Hamlet Lalpur Haridih, Police Station Hardattanagar Girant, District Shravasti. In retaliation, from the side of the opposite party, a case was registered by Hamin Khan S/o Bhulan Khan, resident of Village Manudih Hamlet Lalpur, Police Station Hardattanagar Girant, District Shravasti, against the complainant and her sons, vide FIR Case No. 126/2025 on 12.06.2025 under sections 115(2), 351(3) of the BNS, naming Farukh Khan, Asman Khan, Kurban Khan, sons of Sarfaraz, and Chalfira, wife of Sarfaraz, residents of the aforementioned address. In both of the aforementioned cases, based on witness testimonies and quality of evidence, a charge sheet (Charge Sheet No. A-151/25 dated 19.07.2025) was submitted in Court in FIR Case No. 125/25 against accused Salamat Khan S/o Yar Mohammad Khan, Irshad Khan S/o Salamat Khan, Sagir S/o Yar Mohammad Khan, residents of Manudih Hamlet Lalpur Haridih, Police Station Hardattanagar Girant, District Shravasti. Similarly, a charge sheet (Charge Sheet No. 152/25 dated 19.07.2025) has already been submitted against accused Farukh Khan, Asman Khan, Kurban Khan, and Chalfira, wife of Sarfaraz, in Case

No. 126/25. It is also mentioned in the report of concerned police that no incident took place on 22.07.2025 as alleged by the revisionist in her application. When asked by the villagers animosity stemming from litigation between the two parties was observed, and the allegations leveled by the applicant were not found to be substantiated. It is important to note here that Ld. Magistrate has cited the case law of *Hon'ble Supreme Court Priyanka Srivastava Vs. State of U.P.* that no one put any pressure on the other party by way of court process. It appears that an application under Section 173(4) BNSS has been moved on behalf of the complainant just to put pressure on the opposite party. Hence, I find no illegality, irregularity or impropriety in the impugned order. Thus, impugned order is liable to be confirmed; revision lacks merit and deserves to be dismissed.

ORDER

The instant criminal revision stands dismissed. Impugned order dated 23.12.2025 is confirmed. Let the lower court's record be sent back immediately along with a copy of this judgment.

Dated:-10.07.2026

(Dinesh Chand)
Sessions Judge,
Shravasti
JO Code - UP 6538

The judgment was signed, dated and pronounced by me in the open Court today.

Dated:-10.07.2026

(Dinesh Chand)
Sessions Judge,
Shravasti
JO Code - UP 6538