



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 1903 of 2026

Balkrishna Sharma And Another

.....Revisionist(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Revisionist(s) : Dr. Akhilesh Kumar, Rawati Raman
Pathak

Counsel for Opposite Party(s) : G.A.

Court No. - 87

HON'BLE ABDUL SHAHID, J.

1. Heard learned counsel for the revisionists and the learned AGA for the State.

2. The present criminal revision has been preferred against the order dated 7.2.2026, passed by the learned Chief Judicial Magistrate, Mirzapur in Case No. 8134 of 2022 (State Vs. Balkrishna Sharma and others), under Section 452, 504, 506 IPC, Police Station Kotwali City, Mirzapur, whereby discharge application has been dismissed.

3. Learned counsel for the revisionists has submitted that revisionist no.1 is aged about 80 years and he is real uncle of opposite party no.2/complainant. The revisionist no.2 is son of revisionist no.1, who is residing at New Delhi. Learned counsel for the revisionist further submitted that the FIR has been registered with a huge delay under Section 452, 504, 506 IPC, whereas, both are residents of same premises, hence offence under Section 452 IPC could not be made out. He further submitted that there is dispute about management of Thakur Dau Ji Maharaj Mandir, which is in exclusive owner and management and Pujari is revisionist no.1, whereas the matter is subjudice in Civil Suit No. 1071 of 2017 (Thakur Ji Dauji Maharaj Vs. Dwarika Nath Sharma), which is pending before the Civil Judge (Junior Division), Mirzapur. The opposite party no.2 is trying to create undue pressure on the revisionist no.1 and he wants to affect the proceedings of said civil suit mentioned herein above. He filed a delayed FIR on false, fabricated and concocted ground.

4. It is admitted that a civil suit is pending between the parties which is subjudice before the learned Civil Judge (Junior Division), Mirzapur and both are uncle and nephew. It is also submitted that both are residents of same premises, hence offence under Section 452 IPC could not be made out.

5. In view of all these facts and submission made by the learned counsel for the revisionists, the matter requires consideration.

6. Issue notice to the opposite party no. 2 by usual course.

7. Counter affidavit may be filed within three weeks. Rejoinder affidavit, if any, may be filed within two weeks thereafter.

8. Meanwhile, further proceedings of Case No. 8134 of 2022 (State Vs. Balkrishna Sharma and others), under Section 452, 504, 506 IPC, Police Station Kotwali City, Mirzapur, pending in the court of Chief Judicial Magistrate, Mirzapur, shall remain stayed against the revisionists till the next date of listing.

9. This order has been granted exparte, hence in view of principle of natural justice, the revisionist is hereby directed to take steps by Speed Post/Registered AD within three days and file supplementary affidavit in compliance thereof within a week, failing which the appropriate order for vacation of interim order may be passed on the next date.

10. List this matter after five weeks for hearing.

(Abdul Shahid,J.)

March 19, 2026

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