



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 28442 of 2025

Vrishbhanu Sharma Alias Vrish Bhan Sharma

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Achyuta Nand Pandey, Namman Raj Vanshi

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

Court No. - 77

HON'BLE SAURABH SRIVASTAVA, J.

1. Heard learned counsel for applicant and learned AGA for State.
2. Present application has been preferred with prayer to quash order dated 30.6.2025 passed by learned Additional Sessions Judge, Court no. 3, Mathura in Criminal Revision no. 263 of 2025 (Smt. Suhagwati vs. State of U.P. and others) arising out of Case no. 22 of 2002 and 10 of 20023 under Section 145(1) Cr.P.C.
3. Learned counsel for applicant submitted that present dispute pertains to possession over House no. 240/251, West Pratap Nagar, Maholi Road, PS- Kotwali, District Mathura. Vide order dated 2.4.2025 passed by City Magistrate, Mathura, possession of property in dispute was directed to be given in favour of applicant. Being aggrieved with order dated 2.4.2025, opposite party no. 2 filed a criminal revision before learned Additional District and Sessions Judge, Mathura who vide impugned order dated 30.6.2025 quashed order dated 2.4.2025 and remitted the matter back to City Magistrate, Mathura.
4. It is contended by learned counsel for applicant that impugned order has been passed by revisional court arbitrarily. The scope of revisional court is limited to question of law but in present case revisional court lost sight of this fact. All the evidences on record reveals that applicant was in actual possession of the property in dispute.

5. Matter needs consideration.

6. Issue notice to opposite party no. 2, returnable at an early date. Steps be taken within next seven working days.

7. After service of notice, all the opposite parties are granted four weeks time for filing counter affidavit. Two weeks thereafter for rejoinder, if any.

8. List in week commencing 27.1.2026.

9. Due to upcoming winter vacation, it is not possible to post the matter before January, 2026 and as such effect and operation of impugned order dated 30.6.2025 shall remain suspended. However, it is made clear that order dated 2.4.2025 passed in favour of applicant by City Magistrate, Mathura will be enforceable and executed during pendency of the instant application.

(Saurabh Srivastava,J.)

December 18, 2025

Shaswat