



HIGH COURT OF JUDICATURE AT ALLAHABAD
MATTERS UNDER ARTICLE 227 No. - 14736 of 2025

Manoj Kumar Pandey

.....Petitioner(s)

Versus

The State Of Up And Another

.....Respondent(s)

Counsel for Petitioner(s)	:	Anil Pratap Singh
Counsel for Respondent(s)	:	G.A.

Court No. - 69

HON'BLE LAKSHMI KANT SHUKLA, J.

1. Heard Mr. Anil Pratap Singh, the learned counsel for petitioner and the learned AGA representing State-respondent.
2. Perused the record.
3. Learned counsel for the petitioner submits that on account of not lodged an FIR for investigation by police, the petitioner has submitted an application u/s 156(3) Cr.P.C. before the Chief Judicial Magistrate, Varanasi on 28.06.2023. The Chief Judicial Magistrate, Varanasi has treated the said application as complaint case vide order dated 20.11.2023. Feeling aggrieved against that order the petitioner has preferred a revision before the District and Sessions Judge, Varanasi which was dismissed vide order dated 12.03.2025. Hence the present petition with the following prayer:-

"I. Set aside the impugned dismissal order dated 12.03.2025 passed by the Additional Session Judge/Special Judge (Prevention of Corruption) Act (U.P.S.E.B.), Varanasi in Criminal No. 354 of 2023 (Manoj Kumar DV 20 Pandey Vs. State of U.P. and others) well as as impugned order dated 20.11.2023 passed by the Chief Judicial Magistrate. Varanasi in Misc. Application No. 2691 of 2023 (Manoj Pandey Vs. Aman Pandey) under 156(3) Cr.P.C. Police Station Lalpur/Pandeypur, District Varanasi by which the concerned Magistrate has treated section an application under section 156(3) Cr.P.C. as complaint (Annexure NO. 5 & 3 of the Misc. Petition)

II. Issue any other suitable order or direction which this Hon'ble Court may deem fit and proper to secure to ends of justice.

III. Award the cost of this petition in favour of the petitioner."

4. Matter requires consideration.
5. Learned AGA appearing on behalf of State-respondent prayed for and is granted four weeks' time to file counter affidavit.
6. Issue notice to respondent 2 returnable at an early date.
7. Steps for service upon respondent 2 shall be taken within the time period prescribed under the Rules of Court.
8. Respondent 2 may also file counter affidavit within four weeks.
9. Petitioner will have two weeks' thereafter to file his rejoinder affidavits.
10. Put up this case as fresh on 06.04.2026.

February 16, 2026

Arti

(Lakshmi Kant Shukla,J.)