



2025:AHC:175585

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL REVISION No. - 4227 of 2024

Radhika Gupta

.....Revisionist(s)

Versus

State Of U.P. And 3 Others

.....Opposite
Party(s)

Counsel for Revisionist(s)	:	Shri Prakash Dwivedi
Counsel for Opposite Party(s)	:	G.A., Shailesh Pandey

Court No. - 93

HON'BLE HARVIR SINGH, J.

1. Heard learned counsel for the revisionist and learned counsel for the opposite party no. 2.

2. The present Criminal Revision has been filed with a prayer to quash the order dated 02.08.2024 passed by Special Judge (POSCO Act)/ Additional Session Judge, Mirzapur, in Session Trial No. 13 of 2017 (State of Ashish Gupta and others) arising out of Case Crime No. 891 of 2016, under section 376, 120B of IPC and section 16/17 POCSO Act, Police Station Kotwali Dehat, District Mirzapur.

3. The matter was heard on 17.02.2025 and following order has been passed:

" 1. Heard Mr. Shri Prakash Dwivedi, learned counsel appearing for the revisionist and learned Additional Government Advocate appearing for the State.

2. The instant revision has been filed challenging therein, the order dated 2.8.2024 passed by the learned Special Judge (P.O.C.S.O. Act)/Additional Sessions Judge, Mirzapur whereby, the application filed by the revisionist for discharge had been rejected.

3. Learned counsel appearing for the revisionist has argued that initially an F.I.R. was registered as Case Crime No. 891 of 2016 under Sections 120-B, 504, 506, 376 I.P.C. & 3/4 Protection of Children from Sexual Offences Act, 2012 in Police Station Kotwali Dehat, District Mirzapur wherein, the revisionist was named as accused. It has further been argued that the revisionist filed a Criminal Misc. Writ Petition No. 19987 of 2016 and the Division Bench of this Court vide order dated 12.9.2016 had been pleased to quash the F.I.R. of Case Crime No. 891 of 2016 in respect of Shyam Kumari, Radhika Gupta, Sunil Kumar Gupta and Jokhram Gupta.

4. Learned counsel appearing for the revisionist has apprised to this Court that the Division Bench in its order dated 12.9.2016 had recorded a categorical finding that no offence is made out in respect of the aforesaid four persons including the present revisionist i.e. Radhika Gupta.

5. Learned Additional Government Advocate appearing for the State though has

opposed this criminal revision but could not give any satisfactory reply as to when, the F.I.R. lodged against Radhika Gupta had been quashed by the Division Bench of this Court, how the trial can be conducted against her.

6. I have considered the arguments advanced by the learned counsel appearing for the revisionist and I find that the Division Bench of this Court vide order dated 12.9.2016 passed in Criminal Misc. Writ Petition No. 19987 of 2016 had quashed the F.I.R. of Case Crime No. 891 of 2016 in respect of the present revisionist. Once the F.I.R. itself had been quashed against the present revisionist, prima-facie there appears to be no occasion for the trial court to continue with the trial against the revisionist.

7. Matter requires consideration.

8. Let notice be issued to Opposite Party No. 4 returnable within four weeks.

9. List this matter on 18.3.2025, in top ten cases.

10. Till the next date of listing, the proceedings of the Sessions Trial No. 13 of 2017 (State Vs. Ashish Gupta & Ors.) pending in the court of learned Special Judge (P.O.C.S.O. Act)/Additional Session Judge, Mirzapur, in respect of the revisionist, shall remain stayed."

4. Learned counsel for the revisionist submits that once FIR in any case has been quashed in any offence, no proceeding or trial can be continued in respect of any FIR, which become non existent.

5. Learned counsel for the opposite party submits that as in Criminal Misc. Writ Petition No. 19987 of 2016, the Division Bench of this Court vide order dated 12.09.2016 has quashed the FIR of Case Crime No. 891 of 2016 in respect of Shyam Kumari, Radhika Gupta, (the present revisionist herein), Sunil Kumar Gupta and Jokhram Gupta and the proceedings of the present case has also been stayed by this Court vide order dated 17.02.2025.

6. It is a matter of record and fact that in Criminal Misc. Writ Petition No. 19987 of 2016, FIR in question has already been quashed and once the FIR comes to its end, no proceeding whatsoever can be continued pursuant to the said FIR.

7. Under such circumstances, the present criminal revision is **allowed**. The order dated 02.08.2024 passed by Special Judge (POSCO Act)/ Additional Session Judge, Mirzapur, in Session Trial No. 13 of 2017 (State of Ashish Gupta and others) arising out of Case Crime No. 891 of 2016, under section 376, 120B of IPC and section 16/17 POCSO Act, Police Station Kotwali Dehat, District Mirzapur, is hereby quashed.

September 26, 2025
Monika

(Harvir Singh,J.)