



2026:AHC:36166

HIGH COURT OF JUDICATURE AT ALLAHABAD

MATTERS UNDER ARTICLE 227 No. - 8786 of 2025

Suman Devi

.....Petitioner(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Petitioner(s)	:	Brijesh Narain Mishra, Mani Shankar
Counsel for Respondent(s)	:	Ayush Singh, G.A., Ritu Singh

Court No. - 89

HON'BLE DIVESH CHANDRA SAMANT, J.

1. Heard learned counsel for the petitioner, learned counsel for the respondent No. 2 as well as learned AGA for the State.

2. The relevant facts giving rise to present petition are that, application under Section 156(3) Cr.P.C. made by the petitioner before the learned Judicial Magistrate, Court No. 2, Ghazipur has been treated as complaint. After recording the statements under Sections 200 and 202 Cr.P.C. the respondent No. 2 Sanjay Ram was summoned under Section 354, 354B, 379 I.P.C. vide order dated 29.11.2024 passed by learned Civil Judge(J.D.)/Judicial Magistrate, Court No. 2, Ghazipur in Criminal Case No. 371 of 2024(Suman Devi Vs. Sanjay Ram). This order was challenged by accused-respondent No. 2 by way of filing revision petition before the learned Additional Sessions Judge, Court No. 3, Ghazipur which was registered as Criminal Revision No. 18 of 2025 (Sanjay Ram Vs. State of U.P. and Another). The said criminal revision has been allowed vide impugned order 10.06.2025 passed by Additional Sessions Judge, Court No. 3, Ghazipur and the matter has been remanded back to the court of learned Judicial Magistrate, Court No. 2, Ghazipur to pass lawful order afresh. Feeling aggrieved with the order of revisional court dated 10.06.2025, present petition has been filed.

3. Learned counsel for the petitioner has submitted that the order impugned dated 10.06.2025 passed by the Additional Sessions Judge is bad in the eye of law and is based on misreading of record. It is further submitted that the allegations set out in the application under Section 156

Cr.P.C. which has been treated as complaint are sufficient to constitute an offence against the respondent No.2 which has also been supported by the submissions of the complainant and the witnesses recorded under Section 200 and 202 Cr.P.C. Learned Additional Sessions Judge has not applied its judicial mind and has passed the impugned order which is arbitrary and against law. Alternatively, it has also been prayed by learned counsel for the petitioner that the learned Judicial Magistrate may be directed to decide the matter expeditiously.

4. Per contra, learned counsel for the respondent No. 2 has opposed the submissions made by learned counsel for the petitioner and argued that the learned Additional Sessions Judge has properly considered all fact and evidence available with the record and passed the impugned order assigning the cogent reasons, therefore, the impugned order does not suffer from any illegality or infirmity.

5. I have considered the rival submissions made by learned counsel for the parties and perused the record.

6. A perusal of the impugned order dated 10.06.2025 shows that learned Additional Sessions Judge, Court No. 3, Ghazipur while passing the impugned order has considered all the facts and evidence available on record. The learned counsel for the petitioner was also not able to show any error, illegality or irregularity committed by the learned Additional Sessions Judge in passing the impugned order.

7. It is also notable that the matter is still *sub judice* with the learned Judicial Magistrate, Court No. 2, Ghazipur for passing fresh order on the application under Section 156(3) Cr.P.C. Therefore, this Court is not inclined to interfere with the proceedings pending before the learned court below and present petition is liable to be dismissed devoid of merits.

8. Accordingly, petition is hereby **dismissed**.

9. Considering the request of learned counsel for the petitioner, learned Judicial Magistrate, Court No. 2, Ghazipur is directed to decide the Criminal Case No. 371 of 2024; Suman Devi Vs. Sanjay Ram in accordance with law expeditiously without granting unnecessary

adjournment to either of the parties.

February 18, 2026
ADY

(Divesh Chandra Samant,J.)