HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW
CRIMINAL MISC. WRIT PETITION No. - 5288 of 2026

Mahant Sarju Das And 4 Others

.....Petitioner(s)

Versus

State Of U.P. Thru. Secy. Deptt. Of Home Lko. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Onkar Nath Tiwari
Counsel for Respondent(s)	:	G.A., Ayodhya Prasad Mishra A.P. Mishra, Deepshikha Sharma, Rituraj Mishra, Vivek Kumar Tripathi

Court No. - 2

HON'BLE SAURABH LAVANIA, J.
HON'BLE PRAMOD KUMAR SRIVASTAVA, J.

1. Counter affidavit filed today, is taken on record.

2. Heard Onkar Nath Tiwari, learned Counsel for the petitioners, Sri A.P. Mishra, learned Counsel for the side opposite and perused the records.

3. The present petition has been filed for the following main relief:-

"(i) to issue an writ, order or direction in the nature of Certiorari to quash the impugned First Information Report dated 22.05.2026 lodged by opposite party No. 3 registered as Case Crime No. 0368/2026 under section 318(4), 319(2), 336(3), 338, 340(2) B.N.S., under read with 420, 419, 468, 467, 471 I.P.C. P.S.- Kotwali, Ayodhya District- Ayodhya during pendency of this writ petition contained in Annexure No. 1 to this writ petition to meet the ends of justice.

(ii) to issue a writ, order or direction in the nature of Mandamus commanding to the opposite party No. 1 to 3 not to take any coercive action against the Petitioners on the basis of impugned First Information Report dated 22.05.2026 lodged by opposite party No. 3 registered as Case Crime No. 0368/2026 under section 318(4), 319(2), 336(3), 338, 340(2) B.N.S., under read with 420, 419, 468, 467, 471 I.P.C. P.S.- Kotwali, Ayodhya District- Ayodhya, contained as Annexure No. 1 to the writ petition in the interest of justice."

4. It is stated that in terms of registered Sarvarahkari Deed Dated 21.05.1991 executed by Mahant Ram Prakash Das, the petitioner No. 1 Mahant Sarju Das became the 'Mahant' of Shri Sitaram Purna Brahm, Sanatan Ji, Maharaj Virajman Mandir (Shukul Mandir) and side opposite is claiming his rights on the basis of unregistered Sarvarakari Deed Dated 11.08.1995 alleged to be executed by Mahant Ram Prakash Das.

5. It is further stated that registered document/ deed cannot be revoked by unregistered document/ deed.

6. It is further stated that a Regular Suit No. 389 of 2026 filed in the month of April 2026 by petitioner no.1 Mahnat Sarju Das impleading informant/ opposite party no.4 as defendant seeking decree of declaration related to Sarvarahkari rights over Shri Sitaram Purna Brahm, Sanatan Ji, Maharaj Virajman Mandir (Shukul Mandir) and perpetual injunction is pending consideration before the competent court of jurisdiction.

7. It is further stated that immediately after filing of the Suit No. 389 of 2026 in the month of April 2026 with ulterior motive the FIR in issue was lodged by the opposite party no.4 on 22.05.2026, registered as FIR No. 0368 at Police Station-Kotwali

Ayodhya, District-Ayodhya. This FIR also relates to Sarvarahkari rights.

8. It is further stated that in the aforesaid background of the case, it is apparent that to a civil dispute the opposite party no.4 is trying to give a criminal colour, which practice has been deprecated by the Hon'ble Apex Court in various judgments passed in the case of ***Deepak Gaba and others Vs. State of Uttar Pradesh and another, Criminal Appeal No.2328 of 2022, decided on 02.01.2023, Prof R.K. Vijayasarathy & Anr. Vs. Sudha Seetharam & Anr., Criminal Appeal No.238 of 2019, arising out of Special Leave Petition (Crl) No.1434 of 2018, decided on 15.02.2019, and Lalit Chaturvedi & others Vs. State of Uttar Pradesh & another, SLP (Crl) No.13485 of 2023, order dated 06.02.2024.***

9. Opposing the present petition Sri A.P.Mishra, learned Counsel for the side opposite, stated that based upon the compromise (Annexure No. CA-6) entered between the Opposite Party No.4/Siyaram Das and Mahant Sarju Das the Regular Suit No. 115 of 2005 (Annexure No. CA-4) was decreed and therefore the Suit No. 389 of 2026 filed in the month of April 2026, in which Mahant Sarju Das was defendant, is not maintainable.

10. This Court feels that any observations on the issue of maintainability would effect the rights of the parties before the trial court, as such this Court is not observing anything on this aspect of the case.

11. From the aforesaid facts, this Court is prima-facie of the view that to a civil dispute criminal colour has been given.

12. Two weeks' time as prayed is granted to the petitioners' counsel to file rejoinder affidavit.

13. List/put up this case after expiry of aforesaid period alongwith service report.

14. Till the next date of listing, the petitioner shall not be arrested in pursuance of the impugned Case Crime No. 0368/2026.

15. It is further made clear that this order shall not be construed as an order of stay on the investigation. Accordingly the investigation shall go on, as per law, and the petitioners shall cooperate in the same, failing which it shall be one of the grounds to move an application for vacation of this interim order.

June 18, 2026
Jyoti/-

(Pramod Kumar Srivastava,J.) (Saurabh Lavania,J.)

Digitally signed by :-
JYOTI RAJWANI
High Court of Judicature at Allahabad,
Lucknow Bench