



2026:AHC:54638

A.F.R.

**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**CRIMINAL REVISION No. - 3467 of 2025**

Ram Gopal

.....Revisionist(s)

Versus

State Of U.P. And 3 Others

.....Opposite  
Party(s)

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Counsel for Revisionist(s) : Devika Kapoor, Pranjal Singh  
Counsel for Opposite Party(s) : G.A., Pravin Kumar, Sudhir Kumar

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**Court No. - 87**

**HON'BLE ABDUL SHAHID, J.**

1. Heard Sri Pranjal Singh, learned counsel for the revisionist, and Sri Sudhir Kumar, learned counsel for opposite party nos. 2 to 4.
2. The present criminal revision has been initiated on the basis of an award dated 11.12.2021 passed in the National Lok Adalat by the Chief Judicial Magistrate, Budaun, in Criminal Case No. 117 of 2019 (State of U.P. versus Sudhir Kumar and others), arising out of NCR No. 155 of 2015. The said award was challenged by way of Criminal Appeal No. 17 of 2024 (Ram Gopal versus State of U.P. and others), which was decided by the learned Additional District and Sessions Judge/Special Judge (E.C. Act), Budaun, vide order dated 15.02.2025, and the same was dismissed.
3. Thus, the genesis of the present criminal revision lies in the award dated 11.12.2021 passed by the National Lok Adalat.
4. This Court in **Shashwat Agrawal Versus State of U.P. and another, 2024:AHC: 159141**, has held as under:

*"7. ....The moment, the same officer, who was holding the post of Magistrate takes up the matter as a Presiding Officer of the Lok Adalat seizes the power of the Magistrate and in Lok Adalat, the Presiding Officer's role is only that of a conciliator, who can facilitate the parties to arrive at a compromise and if the parties disagreed and did not settle their dispute, then the Lok Adalat is deprived of any powers of a Magistrate to adjudicate the dispute between the parties.*

8. *It is settled view that even if a criminal proceeding has been referred to the Lok Adalat, the award passed by the Lok Adalat shall be treated as a decree of a civil court and a decree of civil court cannot impose any penalty.*

14. *As has been held by the Apex Court in **Jalour Singh** (supra) against an award passed by the Lok Adalat. The same can be challenged only by way of a petition under Section 226 or 227 of the Constitution of India and not otherwise and the aforesaid views have already been affirmed in **Bharvagi Construction** (supra) by the Apex Court. In view thereof, the instant application under Section 482 Cr.P.C. against the award of Lok Adalat is not maintainable. Therefore, this Court while exercising the jurisdiction under Section 482 Cr.P.C. cannot interfere with the Award passed by the Lok Adalat, which is a decree passed by civil court, and is not amenable to the criminal jurisdiction under Section 482 Cr.P.C."*

5. In the **State of Punjab and another vs. Jalour Singh and others, AIR 2008 (2) SCC 660**, three Judges Bench of the Apex Court has held as under:

*"8. It is evident from the said provisions that Lok Adalats have no adjudicatory or judicial functions. Their functions relate purely to conciliation. A Lok Adalat determines a reference on the basis of a compromise or settlement between the parties at its instance, and put its seal of confirmation by making an award in terms of the compromise or settlement. **When the Lok Adalat is not able to arrive at a settlement or compromise, no award is made and the case record is returned to the court from which the reference was received, for disposal in accordance with law. No Lok Adalat has the power to "hear" parties to adjudicate cases as a court does. It discusses the subject matter with the parties and persuades them to arrive at a just settlement. In their conciliatory role, the Lok Adalats are guided by principles of justice, equity, fair play. When the LSA Act refers to 'determination' by the Lok Adalat and 'award' by the Lok Adalat, the said Act does not contemplate nor require an adjudicatory judicial determination, but a non-adjudicatory determination based on a compromise or settlement, arrived at by the parties, with guidance and assistance from the Lok Adalat. The 'award' of the Lok Adalat does not mean any independent verdict or opinion arrived at by any decision making process. The making of the award is merely an administrative act of incorporating the terms of settlement or compromise agreed by parties in the presence of the Lok Adalat, in the form of an executable order under the signature and seal of the Lok Adalat.***

9. *But we find that many sitting or retired Judges, while participating in*

*Lok Adalats as members, tend to conduct Lok Adalats like courts, by hearing parties, and imposing their views as to what is just and equitable, on the parties. Sometimes they get carried away and proceed to pass orders on merits, as in this case, even though there is no consensus or settlement. Such acts, instead of fostering alternative dispute resolution through Lok Adalats, will drive the litigants away from Lok Adalats. Lok Adalats should resist their temptation to play the part of Judges and constantly strive to function as conciliators. The endeavour and effort of the Lok Adalats should be to guide and persuade the parties, with reference to principles of justice, equity and fair play to compromise and settle the dispute by explaining the pros and cons, strength and weaknesses, advantages and disadvantages of their respective claims.*

*12. It is true that where an award is made by Lok Adalat in terms of a settlement arrived at between the parties, (which is duly signed by parties and annexed to the award of the Lok Adalat), it becomes final and binding on the parties to the settlement and becomes executable as if it is a decree of a civil court, and no appeal lies against it to any court. If any party wants to challenge such an award based on settlement, it can be done only by filing a petition under Article 226 and/or Article 227 of the Constitution, that too on very limited grounds. But where no compromise or settlement is signed by the parties and the order of the Lok Adalat does not refer to any settlement, but directs the respondent to either make payment if it agrees to the order, or approach the High Court for disposal of appeal on merits, if it does not agree, is not an award of the Lok Adalat. The question of challenging such an order in a petition under Article 227 does not arise. As already noticed, in such a situation, the High Court ought to have heard and disposed of the appeal on merits."*

6. The aforesaid view has been further affirmed by the Apex Court in **Bharvagi Construction vs. Kothakapu Muthyam Reddy and others, AIR 2017 SC 4428**, wherein the Apex Court has held as under :

*"27. In our considered view, the aforesaid law laid down by this Court is binding on all the Courts in the country by virtue of mandate of Article 141 of the Constitution. This Court, in no uncertain terms, has laid down that challenge to the award of Lok Adalat can be done only by filing a writ petition under Article 226 and/or Article 227 of the Constitution of India in the High Court and that too on very limited grounds.*

*28. In the light of clear pronouncement of the law by this Court, we are of the opinion that the only remedy available to the aggrieved*

*person(respondents herein/plaintiffs) was to file a writ petition under Article 226 and/or 227 of the Constitution of India in the High Court for challenging the award dated 22.08.2007 passed by the Lok Adalat. It was then for the writ Court to decide as to whether any ground was made out by the writ petitioners for quashing the award and, if so, whether those grounds are sufficient for its quashing."*

7. The question of limitation shall be considered in accordance with Section 5 read with Section 14 of the Limitation Act, 1963. Sections 5 and 14 of the Limitation Act are quoted hereinbelow:

***"Section 5. Extension of prescribed period in certain cases***  
*.—Any appeal or any application, other than an application under any of the provisions of Order XXI of the Code of Civil Procedure, 1908 (5 of 1908), may be admitted after the prescribed period if the appellant or the applicant satisfies the court that he had sufficient cause for not preferring the appeal or making the application within such period.*

*Explanation.—The fact that the appellant or the applicant was misled by any order, practice or judgment of the High Court in ascertaining or computing the prescribed period may be sufficient cause within the meaning of this section.*

***14. Exclusion of time of proceeding bona fide in court without jurisdiction.***—(1) *In computing the period of limitation for any suit the time during which the plaintiff has been prosecuting with due diligence another civil proceeding, whether in a court of first instance or of appeal or revision, against the defendant shall be excluded, where the proceeding relates to the same matter in issue and is prosecuted in good faith in a court which, from defect of jurisdiction or other cause of a like nature, is unable to entertain it.*

(2) *In computing the period of limitation for any application, the time during which the applicant has been prosecuting with due diligence another civil proceeding, whether in a court of first instance or of appeal or revision, against the same party for the same relief shall be excluded, where such proceeding is prosecuted in good faith in a court which, from defect of jurisdiction or other cause of a like nature, is unable to entertain it.*

*(3) Notwithstanding anything contained in rule 2 of Order XXIII of the Code of Civil Procedure, 1908 (5 of 1908), the provisions of sub-section (1) shall apply in relation to a fresh suit instituted on permission granted by the court under rule 1 of that Order, where such permission is granted on the ground that the first suit must fail by reason of a defect in the jurisdiction of the court or other cause of a like nature."*

8. Accordingly, the present criminal revision is dismissed as withdrawn, with liberty to the revisionist to avail appropriate remedy before the appropriate court.

9. The certified copies filed along with the revision shall be returned to learned counsel for the revisionist after retaining photocopies thereof on record.

**March 17, 2026**  
K.K. Maurya

**(Abdul Shahid,J.)**