



2026:AHC:68157

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 3293 of 2026

Asif Iqbal And 3 Others

.....Appellant(s)

Versus

State of U.P. and Another

.....Respondent(s)

Counsel for Appellant(s)	:	Manish Kumar
Counsel for Respondent(s)	:	G.A.

Court No. - 53

HON'BLE ABDUL SHAHID, J.

1. Heard learned counsel for the appellants.
2. The present criminal appeal has been filed against the impugned discharge order dated 08.01.2026, along with the summoning order dated 05.12.2019, passed by the learned Second Additional Sessions Judge, Gautam Buddha Nagar, in Criminal Misc. No. 1465 of 2019, under Sections 406, 420, 467, 468, 471, 323, 504, and 506 IPC and Section 3(2)(5) of the S.C./S.T. Act, 1989, Police Station Ecotech-III, District Gautam Buddha Nagar.
3. Learned counsel for the appellants has submitted that the impugned summoning order dated 05.12.2019 as well as the impugned order dated 08.01.2026 are illegal, arbitrary, and not in accordance with law. It is further submitted that the appellants have not committed any offence and are entitled to be discharged.
4. Opposite Party No. 2/complainant filed a complaint under Sections 406, 420, 467, 468, 471, 323, 504, and 506 IPC and Section 3(2)(5) of the S.C./S.T. Act, 1989 against the appellants. The complainant has stated in the complaint that the appellants are the Directors of M/s MTA Infrastructure Pvt. Ltd. The complainant purchased a plot measuring 75 sq. yards (i.e., 62.70 sq. meters), situated at Khata No. 503, Gata No. 796, Village Suthiyana, Pargana Dadri, Tehsil and District Gautam Buddha Nagar, by way of a registered sale deed dated 28.03.2014. The complainant paid a total consideration of Rs. 5,90,000/- through cheques and cash, which was received by the appellants on 25.03.2015, 26.03.2015, and 31.03.2015.
5. The sale deed was executed by Asif, a Director of the firm, in favour of

Opposite Party No. 2, mentioning a sale consideration of Rs. 4,38,000/-. On 18.10.2015, when the complainant, along with his friend Amritesh, visited the plot to commence construction, one Rishipal, son of Ravindra Singh, met him and claimed ownership of the land, restraining the complainant from raising any construction.

6. Thereafter, the complainant contacted the Directors, who reached the spot in a Scorpio vehicle bearing No. DL-12-CA-3949. A discussion took place between the Directors and Rishipal, during which the complainant came to know that the land belonged to Rishipal. The complainant demanded a refund of Rs. 5,90,000/-. Thereupon, Asif Iqbal, Samaiulla Ahmad, Atinulla Ahmad, and Amarulla, all sons of Talibuddin Ahmad, allegedly abused the complainant, made caste-based remarks, and assaulted him with kicks and fists.

7. After investigation, a charge sheet was filed against the appellants. The appellants filed a discharge application on 21.05.2025, which was rejected on 08.01.2026.

8. As per the facts of the case, Rishipal had executed a registered sale deed in favour of the appellants on 27.11.2013 with respect to the land in question. Thereafter, the appellants executed the sale deed dated 28.03.2014 in favour of Opposite Party No. 2. However, the appellants allegedly failed to pay proper sale consideration to Rishipal for the sale deed dated 27.11.2013. Consequently, Rishipal filed Original Suit No. 94 of 2014 against the appellants on 23.07.2014, which was decreed ex parte in his favour on 28.01.2015. Subsequently, the appellants filed an application under Order IX Rule 13 CPC for setting aside the said ex parte decree on 23.10.2024, which is still pending before the civil court.

9. Prima facie, it appears that the sale deed executed by Rishipal in favour of the appellants on 27.11.2013 has been set aside by the civil court in Original Suit No. 94 of 2014. The appellants neither returned the sale consideration nor refrained from allegedly abusing, assaulting, and making caste-based remarks against the complainant. A charge sheet has been filed against them.

10. In view of the aforesaid facts, reasons, and circumstances, the learned trial court has rejected the discharge application of the appellants vide a detailed, reasoned, and speaking impugned order dated 08.01.2026.

11. There is neither any illegality nor irregularity in the impugned order.

12. The criminal appeal is liable to be dismissed and is, accordingly, dismissed.

March 31, 2026
K.K. Maurya

(Abdul Shahid,J.)