



2026:AHC:66965-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 3397 of 2026

Sri Rajneesh Mishra & Another

.....Petitioner(s)

Versus

State Of U.P. And 3 Other

.....Respondent(s)

Counsel for Petitioner(s)	:	Mohammad Sadab Khan
Counsel for Respondent(s)	:	G.A., Raghav Nayar

Court No. - 47

HON'BLE J.J. MUNIR, J.

HON'BLE TARUN SAXENA, J.

The petitioners have come up seeking to quash the the FIR dated 28.11.2025 arising out of Case Crime No. 684 of 2025, under Sections 318(4), 338, 336(3), 340(2) and 61(2) of B.N.S., Police Station- Sadar Bazar, District- Shahjahanpur.

Heard Mr. Mohd. Sadab Khan, learned Counsel for the petitioners in support of the motion to admit this petition to hearing at considerable length, Mr. Navin Sinha, learned Senior Advocate assisted by Mr. Raghav Nayar, learned Counsel appearing on behalf of respondent no. 4 and Mr. Ghanshyam Kumar, learned AGA-1 appearing on behalf of the State.

The petitioners are persons, who fish in troubled waters. The land in dispute was sold by the original tenure holder Rama Devi Gupta in favour of Tata Chemicals Private Limited *vide* registered sale deed dated 20.02.1998. The name of Tata Chemicals Private Limited was duly mutated. Subsequently during proceedings before the National Company Law Tribunal, Mumbai in C.S.P. Nos. 484 of 2017 and 4858 of 2017, an order was passed on 07.12.2017 on a scheme of arrangement. Thereafter, the land in dispute was transferred to Yara Fertilizers India Private Limited, Shahjahanpur. In between, consolidation operations intervened and during consolidation, the original tenure holder, that is to say, Rama Devi Gupta got her name entered back in the revenue records-the record of rights. On the basis of the said entry, she transferred the land in dispute in favour of the petitioners, who bought it, as they say, for value without

notice. The petitioners also say that they are *bona fide* purchasers. The impugned FIR has been lodged by the authorized representative of the Yara Fertilizers India Private Limited, Shahjahanpur against the petitioner and Rama Devi Gupta alleging commission of offences under Sections 318(4), 338, 336(3), 340 and 61(2) BNS giving rise to Case Crime No. 684 of 2025.

Now, a perusal of the FIR and the attendant circumstances would show that the offences alleging forgery would indeed not be made out, for reason that the sale deed executed by Rama Devi Gupta in favour of the petitioners is under her own signatures. It is not a false document in the sense that someone else has signed it for Rama Devi Gupta. But, the offence of cheating under is *prima facie* made out.

Learned Counsel for the petitioner has vehemently argued that the petitioners are *bona fide* purchasers for value without notice and whatever criminal liability is there has to be fastened upon their vendor, Ram Devi Gupta. The petitioners did not know anything of the past transactions relating to the land in dispute. He also argues that the cheating, if any, has been committed in the year 2000, whereas the petitioners have purchased it in the year 2025. It is, particularly, emphasized that Rama Devi Gupta's name is continuing in the revenue records since the year 2000.

We are afraid, we cannot agree with the submissions. The reason is that once an instrument is executed and submitted to registration transferring title, registration brings about constructive notice to the entire world, not just the persons, who have actual notice of it. This is one of the salutary purposes of registration of a document. Moreover, to say that a person is a *bona fide* purchaser, would require the purchase to be made after exercise of due care and caution. That would have required the petitioners to have got inspected the records in the office of the jurisdictional Sub-Registrar and find out if there was any prior conveyance relating to the land in dispute. Apparently that was not done. Therefore, the petitioners are not the persons, who have acted with due care and caution. Rather, in making purchase of the immovable property, the petitioners have acted carelessly and wantonly. They cannot, therefore, by any means, be regarded as the *bona fide* purchasers.

In the circumstances, since one of the cognizable offences is clearly disclosed, we cannot interfere with the impugned FIR. This petition fails

and is **dismissed.**

March 31, 2026
Deepak

(Tarun Saxena, J.) (J.J. Munir, J.)