



2026:AHC:67847

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 6466 of 2026

Gajraj

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Akhilesh Kumar Mishra, Durga Prasad
Tiwari, Rishabh Shukla, Yogendra Nath
Shukla

Counsel for Opposite Party(s) : Aman Mehrotra, Dharendra Singh, G.A.

Court No. - 77

HON'BLE SAURABH SRIVASTAVA, J.

1. Heard Sri Akhilesh Kumar Mishra, learned counsel for the applicant, Sri Dharendra Singh, learned counsel for opposite party no.2 and learned AGA for State.

2. The instant application has been preferred for challenging the entire proceedings of Criminal Case No.14680 of 2025 (State vs. Gajraj) arising out of Case Crime No.383 of 2016, under section 420 IPC, P.S. Jani, District- Meerut, pending before learned court of ACJM, Court No.4, Meerut, including charge-sheet dated 16.01.2025 and cognizance/summoning order dated 22.08.2025.

3. While challenging the entire proceedings of above-mentioned case, learned counsel for the applicant submitted that the entire allegation which has been put forward through narration of FIR is that the applicant has executed registered sale deed of the portion of land, which pertains to opposite party no.2 on dated 05.12.2014. After registration of FIR, concerned Investigating Officer conducted detail investigation and preferred final report on dated 30.04.2017. Thereafter, a protest petition has been preferred at the behest of opposite party no.2 on dated 17.08.2017, wherein learned court concerned vide order dated 26.03.2024 rejected the final report and directed to re-investigate the matter. Thereafter, taking into account the report dated 06.12.2024 submitted by concerned Lekhpal, concerned Investigating Officer preferred charge-sheet against the applicant on dated 16.01.2025 in pursuance to section 420 IPC, whereupon cognizance of

offence has been taken up learned court concerned vide order dated 22.08.2025, which impugned the present application.

5. It has been argued by learned counsel for the applicant that the epigenise of the dispute is civil in nature and there is hardly any allegation made out against the applicant since the sale deed which has been executed by the applicant way back in the year 2014 itself; in the same very year the revenue records were showing the name of applicant in the record of rights and as such the sale deed whatsoever has been executed in pursuance to share, which has been crystal clearly mentioned in the record of rights is undisputed and as such no allegation has been framed against the applicant in respect of sale deed which has been executed by the applicant.

6. It is also submitted by learned counsel for the applicant that the specific suit for cancellation of sale deed has never been preferred by opposite party no.2 for restoration of his rights through civil remedy. The allegation whatsoever has been put forward against the applicant is illegal, per-see and putting applicant into unwarranted criminal litigation and the same is also bad in the eye of law as per learned counsel for the applicant.

7. Per contra, learned counsel for opposite party no.2 vehemently opposed the prayer as made in the application and did not support the stand taken up by learned counsel for applicant by way of submitting that the name of applicant was continuously available in the record of rights as well as revenue records, but unfortunately in the year 2014 when the sale deed has been executed by the applicant, name of the opposite party no.2 was not available, but the same was continued in the later record of rights.

8. While putting precise question that any civil suit for cancellation of sale deed has ever been preferred at the behest of opposite party no.2, it was fairly submitted by learned counsel for the applicant that no such suit for availing civil remedy has ever been preferred by opposite party no.2.

9. So far as mutation is concerned, it has been informed by learned counsel for the applicant that the same has already been finalized in favour of vendee, who received registered sale deed executed by the applicant way back in the year 2014 itself.

10. In view of aforementioned facts and circumstances, the allegation whatsoever has been put forward through FIR are amenable to be redressed

through civil remedy, which is still available with the opposite party no.2 and the arguments so raised by learned counsel for the applicant that the civil dispute has been given criminal color seems to be justified.

11. In view thereof, the entire proceedings initiated against the applicant in shape of Criminal Case No.14680 of 2025 (State vs. Gajraj) arising out of Case Crime No.383 of 2016, under section 420 IPC, P.S. Jani, District-Meerut, pending before learned court of ACJM, Court No.4, Meerut, which includes charge-sheet dated 16.01.2025 and cognizance/summoning order dated 22.08.2025, are hereby set-aside.

12. The instant application stands **allowed** accordingly.

March 30, 2026

Saif

(Saurabh Srivastava,J.)