



2026:AHC-LKO:22161

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

APPLICATION U/S 482 No. - 6898 of 2016

Ramanuj Maurya

.....Applicant(s)

Versus

State Of U.P. And Anr.

.....Opposite
Party(s)

Counsel for Applicant(s) : Ajai Kumar Singh

Counsel for Opposite Party(s) : Govt. Advocate, Manish Bajpai, Pawan
Kumar Mishra, Vinod Kumar Tripathi

Court No. - 15

HON'BLE BRIJ RAJ SINGH, J.

1. Supplementary affidavit filed today is taken on record.
2. As per Mediation Center's Report dated 11.03.2026, mediation is not successful between the parties. This Court proceeds to hear and decide the application on merits.
3. Instant application under Section 482 CrPC has been filed challenging the order dated 25.05.2015 passed by Judicial Magistrate-II, Balrampur in Case No. 633 of 2014 and the order dated 03.10.2016 passed by Session Judge, Balrampur in Revision No.137 of 2015.
4. Vide impugned summoning order dated 25.05.2015, the applicant has been summoned to face the trial for offenses under Sections 419, 420, 467, 468 of Indian Penal Code (in short "IPC"). The order dated 03.10.2016 has been passed by Session Judge, Balrampur whereby the summoning order dated 25.05.2015 has been affirmed.
5. Brief facts of the case, as submitted by learned counsel for the applicant, are that Bachcha Ram S/o Ramdas executed a sale deed in favour of the applicant on 09.09.2013 in regard to land belonging to him bearing area 978.75 sq.ft. or 90.96 sq.m. and also obtained total sale consideration. The land was purchased for housing purpose. The opposite party no.2/Vishambhar filed a Civil Suit No. 712 of 2013 before Civil Judge Junior Division Balrampur for cancellation of sale deed regarding Plot

No. 853 of area 0.024 hectare situated in Village - Veerpur, Pargana - Tehsil and District Balrampur alleging therein that opposite party no.2 has one-fifth in the said plot and other four brothers have equal share i.e. one-fifth in the plot but co-sharer Dukhi, Nankau and Ram Chander S/o Ramdas sold their share i.e. three-fifth in favour of Smt Ram Piyara W/o Vishambhar by registered sale deed, vide order dated 03.09.2009 and the land has been mutated in the name of Smt Ram Piyara and she is *Bhumidhar* with transferable right. It is further alleged that Bachcha Ram having one-fifth share of land i.e. 48.06 meter in plot no. 853 (Miljumla) but he sold 90.96 along with share of opposite party no.2 (Plaintiff) in Civil suit while he has 48.06 square meter (523.2. square feet) land in plot in question and excess land belongs to opposite party no.2. It is also alleged that Bachcha Ram sold his land fraudulently and he has no possession over the land in question. The applicant who is defendant in civil suit filed a written statement on 07.12.2013 alleging therein that Bachcha Ram is an illiterate person and he told his advocate for selling his 1/5th share i.e. of area 0.024 hectare (523.02 sq.ft. or 48/06 sq.m.) but his advocate mentioned area 978.75 sq.ft. (90.96 1895 sq.m.) in the deed.

6. It has been further submitted that on 04.06.2014, opposite party no.2 filed Complaint Case No. 633 of 2014 (Vishambhar Vs Ramanuj Maurya & Others) before Judicial Magistrate-II, Balrampur alleging therein that Plot No. 853 area 0.024 hectare is in the name of Vishambhar, Dukhi, Bachcha Ram, Nankau and Ram Chander, S/o Ramdas and they are *Bhumidhar* with transferable right. Each co-sharer has one-fifth share in Plot i.e. (48.6 sq.m.) but co-sharer Dukhi, Nankau and Ram Chandar sold their three-fifth share. Bachcha Ram (opposite party no.2) having one-fifth share in plot sold 90.96 sq.m. to the applicant though he had only 48.06 sq.m. area as his share.

7. It has been further submitted that after recording the statements under Section 200 and 202 CrPC of the complainant and Ram Chander, respectively, the Magistrate has passed the impugned summoning order dated 25.05.2015. The applicant filed the revision against the impugned order, which was also dismissed. Hence, the instant application has been filed.

8. Learned counsel for the applicant has submitted that correction deed (Titimma) was executed by brother of opposite party no.2 i.e. Baccha Ram in favour of the applicant on 27.04.2023 and the applicant moved mutation application before the Nayab Tehsildar, Mathura, Tehsil and District Balrampur, which was allowed on 24.08.2023. The applicant has claimed that he is claiming only 48.06 sq.m. land of Baccha Ram, which is one-fifth share.

9. Crux of the argument of the applicant is that in written statement, he has specifically stated that he will not claim land more than one-fifth share i.e. 48.06 sq.m.. After six months i.e. on 04.06.2014, the complaint has been filed by opposite party no.2 alleging that the applicant committed fraud. It has been submitted that from the beginning the intention of the applicant is clear and he does not want to claim the share of opposite party no.2 for which necessary proceeding has been adopted by him i.e. by way of filing written statement before the Civil Court, correction deed (Titimma) before Sub-Registrar and mutation proceeding.

10. Learned counsel for the applicant has further submitted that it would be futile exercise in case the criminal proceeding is allowed to be continue because the applicant is a purchaser and Baccha Ram is a seller who executed the sale deed in favour of the applicant after due consideration.

11. On the other hand, learned counsel for the opposite party no.2 has submitted that proceeding has been instituted on the ground that the share of opposite party no.2 was also got to be executed by Baccha Ram, the brother of opposite party no.2 in favour of the applicant.

12. He has further submitted that after going through the statements under Sections 200 and 202 CrPC, offense is made out, therefore, the application is liable to be dismissed.

13. I have heard submissions of learned counsel for the applicant, learned AGA for the State and learned counsel for opposite party no.2.

14. The record reveals that the land in question was executed by way of registered sale deed by Bacha Ram, brother of opposite party no.2 in

favour of the applicant. The civil suit was filed by opposite party no.2 for cancellation of sale deed on 09.10.2013 and the applicant was defendant no.1 therein, who filed written statement on 07.12.2013 making specific plea that he is not claiming the excess land which is share of opposite party no.2 rather he is claiming one-fifth share of Bacha Ram i.e. 48.06 sq.m.. After written statement made by the applicant before the civil Court, opposite party no.2 filed criminal complaint subsequently on 04.06.2014 making allegations therein that the applicant got sale deed in his favour of the share of share of opposite party no.2. The correction deed has been allowed by Sub-Registrar and it has come on record by way of supplementary affidavit that the seller Bacha Ram has made correction to the extent that he has sold the land i.e. 48.06 sq.m. to the applicant and the mutation order dated 24.08.2023 has also been passed by Naib Tehsildar in favour of the applicant. The entire facts indicate that there is no intention of the applicant to grab the land/share of opposite party no.2. The seller Baccha Ram has executed sale deed in favour of the applicant and some part of the land was excess, which is share of opposite party no.2. The applicant cannot be held responsible in any manner. No criminal act can be attributed to the applicant. There is no reason to allow the trial court to proceed in the case against the applicant, therefore the application deserves to be allowed.

15. Keeping in view the above discussion, the application is **allowed**. The impugned summoning order dated 25.05.2015 and impugned orer dated 03.10.2016 are hereby set aside quashed qua the applicant/Ramanuj Maurya only.

(Brij Raj Singh,J.)

March 30, 2026

Mohit Singh/-