

Court No. - 12

Case :- APPLICATION U/S 482 No. - 11316 of 2023

Applicant :- Dr. Rajeev Kumar Singh And Another

Opposite Party :- State Of U.P. Thru. Addl. Chief Secy. Home Lko. And Another

Counsel for Applicant :- Santosh Kumar Misra

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh,J.

1. Heard learned counsel for the applicants and learned A.G.A. for the State.

2. The present application under Section 482 Cr.P.C. is filed with the prayer to quash the proceeding of Case Crime No.0117/2020 under Sections 419, 420, 467, 468, 471, 506, 120-B I.P.C., Police Station Kotwali Nagar, District Gonda.

3. Learned counsel for the applicants has submitted that applicant and private respondent belong to the same family as father of the applicant executed a will deed on 8.9.2016 but the same could not be registered in the Office of Sub Registrar due to the illness of father and mother of the applicant no.1 and thereafter, in the month of December, 2016, father of the applicant no.1 died due to heart attack and thereafter, in the month of March, 2016, mother also died. He further submitted that thereafter applicant filed suit for declaration before the competent court in relation to the sale deed in question, thereafter, private respondent who is sister-in-law lodged F.I.R. on the basis of incorrect facts and the will deed was not sent for F.S.L. for signature verification but the charge sheet was filed in the most mechanical manner without considering the statement of witnesses of the will deed. He also relied on the decision of this Court in the case of **Abdul Maroof & Anr. Vs. Sate of U.P. & Ors. in Application U/S 482 No. 7313/2023, Deepak Gaba Vs. State of U.P.** reported in **A.I.R. Online 2023 SC 3**, **Syed Yasir Ibrahim Vs. State of U.P.** reported in **A.I.R. Online 2022 SC 270** and **Mitesh Kumar J. Shah Vs. State of Karnataka** reported in **A.I.R. 2020 SC 5298** and submitted

that criminal proceeding is an abuse of legal provisions in case civil proceedings is pending, therefore, kind indulgence of this Court is necessary.

4. Learned A.G.A. opposed the prayer of the applicants and has submitted that applicant himself has admitted that will deed could not be registered because the parents of the applicant no.1 were not well but he also admitted that after executing unregistered will deed on 20.9.2016, they went on a personal tour, and there is a contradiction in the argument of the applicant. He further submitted that as after investigation, charge sheet has already been filed, requested that Director, F.S.L. may be directed to submit a signature verification report before the court below. He next submitted that all these defence can be raised at the appropriate stage and judgments relied by the applicants are not applicable in this case.

5. Considering the submissions of learned counsel for the parties, going through the record, as it is admitted fact that alleged unregistered will deed was executed by the parents of the applicant on 8.9.2016 and same could not be registered due to their illness, as charge sheet has already been filed and judgment relied by the learned counsel for the applicant are not applicable in the present case, therefore, present application is liable to be dismissed.

6. In view of the above, the present application under Section 482 Cr.P.C. is **dismissed**.

Order Date :- 17.11.2023

Gaurav/-