

Court No. - 12

Case :- APPLICATION U/S 482 No. - 11660 of 2023

Applicant :- Mansharam

Opposite Party :- State Of U.P. Thru. Addl. Chief Secy. Deptt. Of Home And 2 Others

Counsel for Applicant :- Pradeep Kumar Yadav, Pooja Singh, Santosh Kr. Yadav Warsi

Counsel for Opposite Party :- G.A.

Hon'ble Rajeev Singh, J.

1. Heard learned counsel for the applicant 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 judgment and order dated 12.9.2023 passed in Criminal Revision No.41/2023, by the court of Session Judge, Ayodhya (Faizabad) and order dated 14.12.2022 passed in Criminal Misc. Case No.37/2022 by Additional Civil Judge (J.D.), Faizabad and further direct the trial court to allow the application moved by the applicant under Section 156(3) Cr.P.C.

3. Learned counsel for the applicant has submitted that property in question was recorded in the name of applicant and 50% of the area of property sold out to the private respondent, who is the real brother of applicant but fraudulently, he mentioned the description of the entire property in the sale deed and when this fact came into notice, then application under Section 156(3) Cr.P.C. was filed but the same was rejected by the court below in the most mechanical manner with the observation that sale deed was executed by the applicant and incorrect description was mentioned in the sale deed. He further submitted that this is a civil matter, and no criminal ingredients are found, thereafter, revision was filed, which was also rejected by the revisional court. He next submitted that private respondent cheated him by mentioning incorrect details of the property in the sale deed, therefore, indulgence of this Court is necessary.

4. Learned A.G.A. opposed the prayer of the applicant and submitted that as the sale deed was

executed in favour of the private respondent on 28.9.2021 and in case any wrong description is given, then it cannot be decided only on the basis of evidence before the civil court, therefore, learned court below has rightly rejected the application of the applicant.

5. Considering the submissions of learned counsel for the parties, going through the record of the application as well as other relevant documents, as the applicant and private respondent are the real brothers and property was sold out to the private respondent by way of registered sale deed, as it is also evident from the record that suit for cancellation of sale deed has been already filed, which is pending before the Civil Judge (J.D.), Faizabad, as after going through entire complaint, no criminal ingredients is found, therefore, learned court below has rightly rejected the application of the applicant.

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

Order Date :- 30.11.2023

Gaurav/-