



2025:UHC:4080

HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Misc Application No. 94 of 2025

16 May, 2025

Sheetal & Anr. -- Petitioners
Versus

State Of Uttarakhand & Anr. -- Respondents

Presence:-
Mr. Narendra Bali, Advocate for the petitioners
Mr. Deepak Bisht, Deputy A.G. for the State

Hon'ble Vivek Bharti Sharma, J. (Oral)

Present petition under Section 528 of The Bhartiya Nagarik Suraksha Sanhita (*for short, B.N.S.S.*) is filed by the petitioners for quashing of charge-sheet no.1/2024 dated 08.02.2024 and cognizance/summoning order dated 07.08.2024 passed by Chief Judicial Magistrate as well as the entire proceedings of criminal case no.6265 of 2024 “*State vs. Sahil @ Manoj & Ors.*” for the offence punishable under Sections 120-B, 323, 342, 506 of IPC, P.S. Kotwali Dehradun, District Dehradun pending in the court of Chief Judicial Magistrate, Dehradun.

2. Brief facts of the case are that respondent no.2/complainant filed an application under Section 156(3) of Cr.P.C. against the petitioners and parents of petitioner no.2 with the allegations that she is an old lady having no children and her husband died on 23.07.2021;



that, petitioner no.2/accused is son of respondent no.2/complainant's sister; that, after death of her husband, respondent no.2/complainant is the sole owner of her husband's property; that, the petitioners and co-accused persons in order to take possession of respondent no.2/complainant's husband property entered into a criminal conspiracy; that, on 22.10.2021 at 5:00 pm all the accused persons locked her inside the house and kept a muscle man as security guard; that, a fake succession certificate was prepared by the petitioner no.2/accused calling himself to be the son of the respondent no.2/complainant and her husband and on the basis of said fake succession certificate, a car, a motor-cycle and a scooter of complainant's husband were taken by the petitioners; that, the petitioners also transferred the eco-sports car of her husband in their name by using forged signatures documents; that, they restrained her by confining her in her house; that, the petitioner no.2 is not the adopted son of respondent no.2/complainant and her husband nor any adoption deed was executed nor any Will was executed by the respondent no.2/complainant or her husband in his favour; that, petitioner no.2 and other accused persons failed in their conspiracy during the lifetime of complainant's husband and after his death, lakhs of rupees were fraudulently withdrawn from the bank accounts of complainant's husband and his vehicle was registered in their name and the respondent no.2/complainant was beaten up.

3. Learned counsel for the petitioners would



submit that petitioner no.2 is adopted son of respondent no.2/complainant and her husband (*since deceased*) and after the death of her husband respondent no.2/complainant under the influence of her brother is trying to oust the petitioners from their legal rights; that, this dispute had also gone to the State Women Commission, where the respondent no.2/complainant admitted that petitioner no.2 was adopted by her and her husband from complainant's elder sister at the age of four years. He would further submit that the present matter is purely a family dispute which has been given a criminal colour. He would further submit that the allegations made in the FIR are false and frivolous and the criminal proceedings initiated on the basis of same are liable to be quashed.

4. Per contra, learned State Counsel opposed the petition, submitting that the petition is misconceived, and the allegations including those relating to confinement, assault, forgery and fraudulent transfers, are serious in nature and require adjudication during trial. He further submits that the adoption claim appears suspicious in view of the age gap between the complainant and petitioner no.2, and the alleged oral admission before the Women Commission is of limited probative value at this stage.

5. Heard learned counsel for the parties and perused the entire material.

6. At the stage of considering a petition for



7. Accordingly, this Court is of the view that the present case is not a fit case for quashing the proceedings at this stage. The petition is devoid of merit and is accordingly dismissed *in limine*.

Rajni

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