



2025:UHC:11416

HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Misc. Application U/s 482 No. 1053 of 2023

Poonam Agarwal

--Applicant

Versus

State Of Uttarakhand and Others

--Respondents

Presence:-

Mr. Tushar Chauhan, learned counsel holding brief of Mr. Aditya Singh, learned counsel for applicant.

Mr. S.C. Dumka, learned A.G.A. for the State of Uttarakhand/respondent No.1.

Mr. Manish Kumar, learned counsel holding brief of Mr. Ashish Joshi, learned counsel for respondent No.2.

Mr. M.S. Tyagi, learned senior counsel assisted by Mr. S. Bhupendra Singh (through V.C.) and Mr. Sunil Chandra, learned counsel for respondent Nos.3 & 4.

Hon'ble Pankaj Purohit, J. (Oral)

Heard learned counsel for the parties.

2. By means of the present C482 application, the applicant has put to challenge the impugned judgment and order dated 07.07.2022 passed by the learned First Additional Senior Civil Judge/Additional Chief Judicial Magistrate, Rudrapur, Udham Singh Nagar in Misc. Criminal Application No.146 of 2022 *Poonam Agarwal Vs. Uttam Singh and others*, whereby, the application of applicant under Section 156(3) of Cr.P.C. was dismissed as well as the order dated 13.12.2022 passed by the learned Sessions Judge, Udham Singh Nagar, in Criminal Revision No.190 of 2022 *Poonam Agarwal vs. State of Uttarakhand and others*, whereby, the said revision was dismissed.

3. The facts in nutshell are that the applicant moved an application under Section 156(3) Cr.P.C. dated 24.06.2022 stating therein that the applicant's husband Sh. Deepak Agarwal purchased the land in dispute through a registered sale deed, which was registered in Sub-Registrar's office as Volume No.524 Pg. No.175-176



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S.No.2962. After taking possession of the said land, the care of the said land was handed over to one Sh. Manvir Singh. During the consolidation process, Manvir Singh in collusion with Yakub Ali fraudulently got the property papers registered in their name in 1996 on the basis of possession of land, in which the applicant's husband was not even made a party and the order for mutation was also pending. Thereafter, the said land in-question was sold by Manvir Singh to Amrik Singh-father of respondent Nos.4 and 5 in the year 2000. When, applicant approached to the learned Consolidation Court, the application for mutation filed by her was rejected in the year 2013 and against the said order, her husband and brother in-law (*Jeth*) preferred an Appeal in the Court of learned Settlement Officer of Consolidation, Udham Singh Nagar on 29.08.2013, which was transferred to learned Settlement Officer, Roorkee, Haridwar, on the ground of keeping the case pending intentionally and not being able to plead it, which was allowed vide order dated 23.01.2018 setting aside the order dated 16.08.2013 passed by learned Consolidation Officer. Learned Settlement Officer also held that the sale deed executed in favour of applicant's husband and there is ample evidence that the applicant's husband came into possession of the land in-question after execution of the sale deed and he was not deliberately impleaded as party before the learned Consolidation Officer and *ex-parte* order dated 09.09.1996 was passed against applicant's husband.

4. It is further state in the said application that the said land in-question was acquired for National Highway widening and the compensation for which should have been given to the applicant's husband and



brother in-law, but the Special Land Officer, Udham Singh Nagar, in collusion with the private respondents handed over the same to them. Applicant's husband had appeared in person in the office of Special Land Officer several times and requested through registered letters along with the evidence not to give compensation to unauthorized persons, but no action was taken by him. He also sent a request letter to Hon'ble Chief Minister of Uttarakhand and higher officials to stop the compensation. He also reported the above matter to P.S. Kiccha on 10.06.2022 and to S.S.P., Udham Singh Nagar, on 11.06.2022, but, her report was not lodged. Thereafter, applicant filed 156(3) Cr.P.C. application which was registered as Misc. Criminal Application No.146 of 2022 *Poonam Agarwal Vs. Uttam Singh and others*. The said application under Section 156(3) Cr.P.C. was rejected by learned ACJM vide order dated 07.07.2022. Challenging the order dated 07.07.2022 applicant preferred a Criminal Revision No.190 of 2022, which too met with the same fate vide order dated 13.12.2022. Hence, the applicant is before this Court.

5. Learned counsel for the applicant submitted the learned Magistrate as well as Revisional Court without considering the facts and circumstances and without appreciating the merits of the case, rejected the application of the applicant and dismissed the revision of the applicant. He further submitted that fraud had been played upon the applicant's husband and brother in-law (Jeth) and also the co-owner of the land in-question, for which inquiry was already underway as per the direction of learned Chief Minister and also from the office of learned Commissioner, Kumaun Mandal, during the pendency of inquiry, respondents were illegally made to



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benefit from money which came from Government towards acquisition of land. He also submits that the compensation for the same should not be released in favour of the private respondents.

6. It is further contended by him that the impugned orders passed by the learned courts below are illegal, improper and against the material available on record. He further submitted that from bare perusal of the application under Section 482 Cr.P.C. cognizable offence was made out against the private respondents.

7. Per contra, learned State Counsel and learned counsel for private respondents contend that both the Courts below have rightly passed the impugned orders and rightly held that the allegations are of civil in nature, thus, the present C482 application deserves to be dismissed.

8. Having heard the learned counsel for the parties and having gone through the entire material available on record, this Court is of the view that the dispute is purely of civil nature and the Courts below have done no illegality in passing the impugned orders. The reasoning given by the learned Sessions Judge in the judgment and order dated 13.12.2022 sound satisfactory. Therefore, no interference is required.

9. Accordingly, the present C482 application is dismissed. However, the parties are at liberty to avail the remedies available under relevant private law.

10. Pending application(s), if any, also stands disposed of.

(Pankaj Purohit, J.)

19.12.2025

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