



2025:UHC:11369

Judgment Reserved on: 19.11.2025
Judgment Delivered on: 19.12.2025

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Misc. Application No. 2111 of 2023

Rajendra Singh and Another

.....Applicants

Vs.

State of Uttarakhand and Another

.....Respondents

Presence: Mr. Shakib Husain, learned counsel for the Applicants.
Mr. Vipul Painuly, learned Additional Government Advocate for the State.
Mr. Saurabh Kumar Pandey, learned counsel for respondent no. 2.

Hon'ble Ashish Naithani, J.

The present Criminal Miscellaneous Application under Section 482 of the Code of Criminal Procedure has been filed by the Applicants, Rajendra Singh and Smt. Jagwati, seeking quashing of the criminal proceedings of Criminal Case No. 1887 of 2023 arising out of Case Crime No.181 of 2023, registered at Police Station Kotwali Gangnagar, Roorkee, District Haridwar, under Sections 406, 504 and 506 of the Indian Penal Code, as well as the cognizance order dated 10.10.2023 passed by the learned Additional Chief Judicial Magistrate, Roorkee.

2. The dispute between the parties arises out of a registered agreement to sell dated 08.08.2022 executed between the Applicants and the private Respondent in respect of a plot of land situated at Roorkee. As per the agreement, the sale deed was required to be executed on or before 30.04.2023.

3. According to the State's case, the Respondent No.2, paid a total sum of ₹. 15,00,000/- to the Applicants towards consideration for the said transaction. It is alleged that despite receipt of the said amount, the



Applicants failed to execute the sale deed and, upon being approached for return of the money, abused and threatened the complainant.

4. On the basis of these allegations, the private Respondent lodged an FIR dated 05.04.2023 at Police Station Kotwali Gangnagar, Roorkee, which was registered as Case Crime No. 181 of 2023 under Sections 406, 504 and 506 IPC.

5. During the investigation, the statements of the complainant and other witnesses were recorded under Section 161 Cr.P.C. Upon completion of the investigation, a charge-sheet dated 24.04.2023 was submitted against the Applicants under the aforesaid sections.

6. The learned Additional Chief Judicial Magistrate, Roorkee, District Haridwar, upon perusal of the charge-sheet and the accompanying material, took cognizance of the offences vide order dated 10.10.2023 and summoned the Applicants to face trial.

7. Aggrieved by the initiation and continuance of the criminal proceedings and the cognizance order, the Applicants have invoked the inherent jurisdiction of this Court under Section 482 Cr.P.C. for quashing of the proceedings.

8. Learned counsel for the Applicants submitted that the entire dispute between the parties is purely civil in nature arising out of an agreement to sell, and that the criminal proceedings have been initiated with an ulterior motive to pressurize the Applicants for the return of money.

9. It was contended that, as per the registered agreement dated 08.08.2022, the date fixed for execution of the sale deed was 30.04.2023,



whereas the FIR has been lodged prematurely on 05.04.2023, even before the expiry of the contractual period.

10. Learned counsel argued that the Applicants were always ready and willing to perform their part of the agreement and had communicated their willingness to the complainant through notices. It was further submitted that the Applicants had also marked their presence at the office of the Sub Registrar on the relevant dates.

11. It was urged that the essential ingredients of the offence under Section 406 IPC are not made out, as the amount received was part of a contractual transaction and there was no dishonest intention at the inception of the agreement.

12. Learned counsel further submitted that the allegations under Sections 504 and 506 IPC are vague and omnibus in nature and have been levelled only to give a criminal colour to what is essentially a civil dispute.

13. On the aforesaid premises, learned counsel for the Applicants contended that continuation of the criminal proceedings would amount to abuse of the process of the Court and that this is a fit case for exercise of inherent jurisdiction under Section 482 Cr.P.C. to quash the proceedings and the cognizance order.

14. Per Contra, learned AGA for the State opposed the application and submitted that the FIR, statements recorded during investigation, and the charge-sheet disclose commission of cognizable offences against the Applicants.



15. It was argued that the Applicants have admittedly received a substantial amount of money from the complainant and have failed to execute the sale deed, and that the allegations of misappropriation, abuse and criminal intimidation cannot be brushed aside at the threshold.

16. Learned counsel submitted that the defence set up by the Applicants regarding readiness and willingness to execute the sale deed raises disputed questions of fact which cannot be examined in proceedings under Section 482 Cr.P.C..

17. It was further contended that the learned Magistrate has taken cognizance after due application of mind and that no jurisdictional error or perversity is shown in the impugned cognizance order.

18. On these grounds, learned counsel for the State and the Respondent No. 2 prayed that the application be dismissed.

19. This Court has considered the rival submissions and has carefully perused the FIR, the charge-sheet, the statements recorded during investigation, and the impugned cognizance order. The scope of interference under Section 482 of the Code is well settled and is to be exercised sparingly, with great circumspection, and only in cases where the continuation of criminal proceedings would amount to abuse of the process of the Court or where the allegations do not disclose the commission of any offence even prima facie.

20. At the outset, it must be noted that the allegations in the FIR are not confined merely to breach of contractual obligations. The complainant has specifically alleged entrustment of money, failure to honour the transaction, and subsequent conduct, including abuse and



criminal intimidation. Whether these allegations are ultimately proved or not is a matter of evidence, but at this stage, they cannot be said to be inherently improbable or absurd.

21. The contention of the Applicants that the dispute is purely civil in nature cannot be accepted at this stage. The mere existence of a civil remedy or the pendency of a civil dispute does not, by itself, bar criminal proceedings if the factual allegations disclose the essential ingredients of a criminal offence. The Court, while exercising inherent jurisdiction, is not required to adjudicate upon the correctness or otherwise of the allegations, nor to evaluate the sufficiency of evidence.

22. The defence sought to be raised by the Applicants, including their alleged readiness and willingness to execute the sale deed, issuance of notices, and presence at the Sub Registrar's office, raises disputed questions of fact. Such matters fall squarely within the domain of trial and cannot be examined or adjudicated in proceedings under Section 482 of the Code.

23. So far as the offence under Section 406 IPC is concerned, the question whether the amount paid under the agreement constituted entrustment, and whether there was dishonest misappropriation or conversion, are matters which require an appreciation of evidence. At this stage, it cannot be conclusively held that the ingredients of the offence are wholly absent.

24. The allegations under Sections 504 and 506 IPC, as contained in the FIR and reflected in the material collected during investigation, also cannot be discarded at the threshold. Whether the ingredients of these offences are ultimately established is a matter to be tested during trial.



25. The impugned cognizance order dated 10.10.2023 reflects that the learned Magistrate has applied a judicial mind to the police report and the accompanying material. This Court finds no perversity, illegality or jurisdictional infirmity in the said order, warranting interference in the exercise of inherent powers.

26. In the considered opinion of this Court, the present case does not fall within the exceptional categories where the inherent jurisdiction under Section 482 of the Code can be exercised to quash the criminal proceedings or the cognizance order.

ORDER

The Criminal Miscellaneous Application is **dismissed**.

Any interim protection granted to the Applicants during the pendency of the application stands vacated.

(Ashish Naithani J.)

19.12.2025

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