



2025:AHC:174837-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 21215 of 2025

Smt. Amreen Parveen and others

.....Petitioner(s)

Versus

State of Uttar Pradesh and others

.....Respondent(s)

Counsel for Petitioner(s)	:	Devid Kumar Singh, Prateek Rai
Counsel for Respondent(s)	:	Sandeep Mishra, G.A.

Reserved on 24.09.2025

Court No. - 42

HON'BLE J.J. MUNIR, J.

HON'BLE PRAMOD KUMAR SRIVASTAVA, J.

This writ petition has been filed seeking to quash the first information report dated 06.09.2025 giving rise to Case Crime No. 0384 of 2025 under Sections 318(4), 338, 336(3), 340(2), 352, 351(2) and 329(3) of the B.N.S., P.S. Khoda, District Ghaziabad.

Heard Mr. Prateek Rai, learned counsel for the petitioners in support of the motion to admit this petition to hearing, Mr. Sandeep Mishra, learned counsel appearing on behalf of respondent no.4 and Mr. Shashi Shekhar Tiwari, learned A.G.A. appearing on behalf of the State.

The first informant has complained that he is the owner of a residential plot, admeasuring 200 square yard, situate in Khasra No. 1227/1 (M), Lokpriya Vihar, Hadbast Gram Makanpur, Pargana Loni, Tehsil and District Ghaziabad, which he purchased on 27.08.1982 from its recorded owner by the registered sale deed. The first informant's name and that of his mother were mutated over the said plot. The informant is a senior citizen, suffering from cancer. He appointed one Umakant Sharma son of late Kuber Dutt Sharma as his attorney through a registered power of attorney dated 10.07.2025. The informant has come up with an allegation that Afzal son of Mustaq, Muslima wife of Afzal, Afsar son of Mustaq, Rubina wife of Sarvar, Sarvar son of Mustaq, Amrin wife of Sarvar, and Anvar

Jalal son of Munnu, all residents of Lokpriya Vihar, Hadbast Gram Makanpur, Pargana Loni, Tehsil and District Ghaziabad, have prepared forged and false documents relating to his property aforesaid, and utilizing these fabricated documents, illegally constructed two and half floors on his plot. The construction, illegally raised by the seven accused, has been let out to Rohingyas and Bangladeshis, from whom hefty sums of money are realized by the seven accused. When the informant goes over to his property in order to stop these illegal activities, he is threatened with death and abused. The informant says that he has threat to his life and property. It is on these allegations that the first informant/ respondent has got the impugned First Information Report registered, that is the subject matter of challenge in this writ petition.

It is argued by Mr. Prateek Rai, learned Counsel for the petitioners that the impugned FIR is an abuse of process of law and designed to circumvent a decision of the *lis* between parties by the Civil Court. It is submitted that the petitioners' rights are referable to *Khasra* No.1228, admeasuring 66.66 square yards, situate at Manju Garden, Lokapriya Vihar, whereas the first informant's case relates to *Khasra* No.1227/1, admeasuring 200 square yards, situate in the same locality. The informant wants to grab the petitioners' property by raising a boundary dispute in violation of the settled boundaries.

Notwithstanding the pendency of a civil suit between parties, where an order of *status quo* on the temporary injunction application as an ad interim measure has been passed, we find *prima faice* that the circumstances too suggest a crime, may be alongside a civil cause of action. The petitioners of whom Smt. Amreen Parveen is not related to the first informant Pawan Sharma has come up with a case that Pawan Sharma has gifted away the property, subject matter of dispute, to her by means of a gift deed/*Hibanama* dated 06.08.2024. On the other hand, Pawan Sharma says that colluding with the holder of his power of attorney, Smt. Amreen Parveen and the other petitioners have entered into his property and made Rohingyas and Bangadeshis citizens occupy it from whom they are illegally charging rent etc. The petitioners are claimed to be persons of

criminal propensities, who have occupied the first informant's property forcibly and extending threats to him. The first informant is an aged man said to be ailing from Cancer.

As already remarked, it is not a case of pure civil liability. It is at best one, where both may co-exist. We do not find any good ground to interfere with the impugned FIR.

This writ petition is summarily **dismissed**.

The Registrar (Compliance) is directed to communicate this order to the Senior Superintendent of Police, Ghaziabad and the Station House Officer, P.S. Khoda, District Ghaziabad through the learned Chief Judicial Magistrate, Ghaziabad.

(Pramod Kumar Srivastava, J.) (J.J. Munir, J.)

September 26, 2025

Anoop/Deepak