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**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

APPLICATION U/S 528 BNSS No. - 1791 of 2025

Punam Yadav And Another

.....Applicant(s)

Versus

State Of U.P. Thru. Its Prin. Secy. Home Lko.

.....Opposite
Party(s)

Counsel for Applicant(s) : Anil Kumar Yadav, Sunil Kumar, Syed
Raza Mehdi
Counsel for Opposite Party(s) : G.A.

Court No. - 14

HON'BLE RAJEEV SINGH, J.

1. Vakalatnama filed by Shri Mohd. Taufiq Siddiqui, Advocate on behalf of respondent no. 2 is taken on record.

2. Heard learned counsel for the applicants, learned A.G.A. for the State and perused the material available on record.

3. This application has been filed for quashing the charge sheet dated 15.05.2025 as well as summoning order dated 19.06.2025 passed in Criminal Case No. 1425 of 2025, arising out of F.I.R. No. 084 of 2025, under Sections 319(2), 318(4), 337, 338, 336(3), 340(2), 61(2) BNS, P.S. Lalganj, District Pratapgarh.

4. On 09.12.2025, following order was passed.

"1. Supplementary affidavit filed by learned counsel for the applicants is taken on record.

2. Heard.

3. This application has been filed with the following prayer:-"To quash the impugned summoning order dated 19.06.2025 as well as 11.08.2025 and charge sheet dated 15.05.2025 filed in Case Crime No. 0084/2025, under Sections 319(2), 318(4), 337, 338, 336(3), 340(2), 61(2) B.N.S. (old Section 419, 420, 337, 338, 336, 471, 120-B I.P.C.), Police Station- Lalganj, District-Pratapgarh and entire proceeding of Criminal Case No. 1425/2025 pending in the court of learned Additional Chief Judicial Magistrate, Lalganj, Pratapgarh (so far it relates to the petitioners) (contained at Annexure No. 1 & 2 to this petition respectively)."

4. Learned counsel for the applicants submits that the applicant is a bonafide purchaser of the property in question, which was purchased from Parasnath who has claimed himself as owner of the property on the basis of succession. He further submits that the applicant paid sale consideration through R.T.G.S. Thereafter, the F.I.R. of the case in question was lodged by the informant of the present case with the allegation that Parasnath was not the son of Ram Pher as he manipulated the revenue record with association of revenue authorities, and the property was sold out to the applicant.

It is next submitted that no offense is made out against the applicant considering the entire evidence collected by the Investigating Officer in the case diary. The name of Parasnath was mentioned in the revenue record. The applicants were under impression that in case the name of Parasnath was in the revenue record, it was entered after due verification by the revenue authorities, hence, no offense is made out.

5. Learned A.G.A. vehemently opposes the prayer of the applicants and submits that the charge-sheet has already been filed and all these defense can be raised at the appropriate stage.

6. Considering the submissions of learned counsel for the parties and perusing the record, it is evident that in the revenue record, which is annexed with the supplementary affidavit as S.A.-1, the name of Parasnath is mentioned with the note that it was entered on the basis of succession. But, during the course of investigation, revenue record was not considered by the Investigating Officer.

7. In view of above, the matter requires consideration.

8. Issue notice to the private respondent.

9. List this case on 17.12.2025.

10. On the next date, the Investigating officer of the case in question shall appear in person before this Court alongwith complete case diary.

11. Station House Officer of the concerned police station shall inform to the informant of the present case about next listing of the case.

12. Tehsildar, Lalganj is also directed to ensure production of relevant revenue record of gata nos. 514, 505 of Village- Devapur, Lalganj.

13. Till the next date, no coercive action shall be taken against the applicants."

5. In pursuance of the aforesaid order, Mr. Rajneesh Kumar Yadav, Investigating Officer of crime in question, P.S. Lalganj, District Pratapgarh is present before this Court along with complete case diary and informs that Paras Nath is not the legal heir of recorded tenure holder, namely, Ram Pher @ Mata Pher. It is further informed that Ram Pher has three sons, namely, Rajendra Kumar, Rajesh Kumar and Ramraj. After the death of Ram Pher,

Paras Nath succeeded in mutating his name in the revenue record on the basis of report of Area Lekhpal dated 13.07.2024 and the order of mutation passed by Revenue Inspector dated 14.07.2024, on the basis of which, the name of Paras Nath was mutated as legal heir of Ram Pher. Thereafter, the said order was updated in the computerized Khatauni also. Later on, the property was sold out by Paras Nath by way of three registered sale deeds dated 18.07.2024, 26.07.2024 and 07.11.2024 in favour of Urmila, Bhupendra and Punam Yadav (applicant) respectively. It is also informed that thereafter, F.I.R. was lodged and during the course of investigation, involvement of the applicant, who is a beneficiary, was also found in the crime.

Applicant no. 2 is the marginal witness of the said sale deed.

6. On being asked the specific question from the Investigating Officer that the succession order was passed by the Revenue Inspector on the basis of report of Area Lekhpal, then why their statements were not recorded, the Officer could not give satisfactory reply to the Court. He is also unable to reply that how the involvement of the applicant is found in recording the name of Paras Nath in the revenue record on the basis of the said mutation order.

7. Learned counsel for the applicant submits that as in the Khatauni, the name of Paras Nath is being shown till today in relation to the property in question and the applicant no. 1 is the bona fide purchaser of property in question through registered sale deed dated 07.11.2024, on the basis of which, her name was recorded in the revenue record. The applicant no. 2 is the witness of the said sale deed. It is vehemently submitted that there is no evidence in the case diary against the applicants in recording of the name of Paras Nath in the revenue record on the basis of the mutation order dated 14.07.2024 passed by Revenue Inspector in favour of Paras Nath. Placing reliance on the decision of the **Sheila Sebastian Vs. R. Jawaharaj & Anr., (2018) 7 SCC 581**, learned counsel for the applicant prays that the indulgence of this Court is

necessary.

8. Learned A.G.A. as well as learned counsel for the complainant oppose the prayer of the applicants and submit that applicant no. 1 was also associated in the crime in question.

Learned counsel for the complainant further submits that when the fact that their ancestral property was being sold by one Paras Nath, came into the notice of Rajendra Kumar, Rajesh Kumar and Ramraj s/o Ram Pher, they immediately filed applications under Section 34 of the U.P. Revenue Code, 2006 before the Tehsildar, which were registered as Case Nos. 4660 of 2024 and 4661 of 2024 and vide order dated 23.10.2024, Tehsildar set aside the mutation order passed by Revenue Inspector on 14.07.2024.

However, learned counsel for the opposite parties do not dispute the fact that till today, in the computerized Khatauni, the name of Paras Nath is reflecting.

9. Considering the arguments advanced by the learned counsel for the applicants, learned A.G.A., learned counsel appearing for respondent no. 2 and going through the contents of the application, F.I.R., impugned order as well as other relevant documents including the record produced by the Officer present before this Court, it is evident that online succession was claimed by Paras Nath, on which, report dated 13.07.2024 was submitted by the Area Lekhpal in favour of Paras Nath. On the basis of said report dated 13.07.2024, the Revenue Inspector passed order on 14.07.2024 for mutating the name of Paras Nath as a legal heir of Ram Pher.

Thereafter, applications under Section 34 of the U.P. Revenue Code, 2006 were filed by the legal heirs of Ram Pher, namely, Rajendra Kumar, Rajesh Kumar and Ramraj for recall of the said mutation order dated 14.07.2024 and for passing appropriate orders mutating their names in the revenue record as legal heir of Ram Pher. On the said applications, interim order was passed at the initial stage on 23.07.2024 by Tehsildar with the observation

that a false report was submitted by the Area Lekhpal in favour of Paras Nath. Thereafter, the mutation order dated 14.07.2024 was finally set aside by the Tehsildar vide order dated 23.10.2024 by allowing the applications of legal heirs of Ram Pher and directing for mutating their names in the revenue record by deleting the name of Paras Nath.

Further, it is admitted case of the learned counsel for the parties that till today, the name of Paras Nath is showing in the computerized Khatauni as the owner of property in question. It is also evident that applicant no. 1 is one of the purchaser of the property from Paras Nath, on the basis of Khatauni, in which, name of Paras Nath is shown as recorded tenure holder. Apparently, it is a fault of Revenue Authorities that despite the order dated 23.10.2024 passed by the Tehsildar, the name of Paras Nath has not been deleted from the computerized Khatauni till date.

10. In view of above facts and discussions, the impugned charge sheet submitted by the Investigating Officer against the applicants is hereby set aside.

11. The application stands allowed with the observation that the sale deed, which was executed in favour of applicant no. 1 is *non est*, as Paras Nath is not the legal heir of late Ram Pher and is also the tenure holder.

12. Superintendent of Police, Pratapgarh is directed to depute some responsible Officer, not below the rank of Deputy Superintendent of Police for conducting fresh investigation in relation to the Area Lekhpal, who forwarded the false report in favour of Paras Nath for mutation showing him a legal heir of Ram Pher as well as the Revenue Inspector, who passed the order for mutating the name of Paras Nath.

Chairman, Board of Revenue is also directed to ensure for taking necessary action against the erring Officers including the Tehsildar, who failed to ensure compliance of his order dated 23.10.2024 for changing the entry of legal heirs of late Ram Pher

online. The Officer to be appointed by Superintendent of Police, Pratapgarh for investigation in the matter, shall be assisted by the Revenue Authorities.

13. Office is directed to communicate this order to the Chairman, Board of Revenue, U.P., Lucknow for necessary compliance, forthwith.

(Rajeev Singh,J.)

December 17, 2025

VKS