

| SL. No. | Date | Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures | <div>UKHC010124522026</div> <div>  </div> <div>COURT'S OR JUDGE'S ORDERS</div> <div>2026:UHC:5957</div>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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|         |      |                                                                                                  | <p><b><u>C528/1541/2026</u></b><br/> Mohammad Tasleem Ansari And Ors<br/> <div style="text-align: right;">--Applicant</div></p> <p style="text-align: center;"><b>Versus</b></p> <p>State Of Uttarakhand <span style="float: right;">--Respondent</span></p> <p><b><u>Hon'ble Rakesh Thapliyal, J.</u></b></p> <p>Mr.Vikas Bahuguna, learned counsel for the applicant.</p> <p>2. Mr. Sandeep Sharma, learned AGA for the State.</p> <p>3. Present application, under Section 528 of BNSS, 2023, has been preferred by the applicants-Mohammad Tasleem Ansari, S/o Mohammad Zubir, Rajeev Kumar, Vijay Kumar Tyagi, S/o Radheyshyam Tyagi and Mohd. Ikrar, S/o Mohd. Israr challenging the entire proceeding of Criminal Case No.668 of 2016 State vs. Tasleem and others arising out of a First Information Report dated 11.05.2025 bearing FIR No.136 of 2015 wherein after thorough investigation charge sheet has been filed on 24.09.2015 in which the Additional Chief Judicial Magistrate, II<sup>nd</sup>, Dehradun took cognizance on 08.02.2016 and all the applicants have been summoned to face the trial for the offences punishable under Section 420, 467, 468, 471 and 120-B of IPC .</p> <p>4. It is argued by learned counsel for the applicant that infact the sale deed, which was executed in favour of applicant no.1-Mohd. Tasleem Ansari by one Manju Devi, was challenged in civil proceeding on the ground</p> |

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|  |  | <p>that Manju Devi impersonated Manju Singh, who is the actual owner of the land; the suit was decreed and the sale deed was cancelled. He submits that in the civil proceeding, original owner Manju Singh filed written statement and the suit was decreed on the basis of pleading and the sale deed is cancelled. He submits that the initiation of this proceeding is infact arising out of the sale deed, which was executed by Manju Devi by impersonating Manju Singh and since now the civil suit has been decided by the judgment and decree dated 21.09.2016, therefore, the proceeding, arising out of Case Crime No.136 of 2015 be quashed.</p> <p>5. On such submission Mr. Sandeep Sharma, learned AGA submits that filing of this petition is nothing but delaying tactics in expediting the proceeding, which was arising out of the first information report dated 11.05.1015 i.e. Case Crime No.136 of 2015 wherein after thorough investigation and after collecting all materials, charge sheet was filed on 24.09.2015 in which the trial court took cognizance on 08.02.2016 and the applicants have been summoned to face the trial and the trial is pending since 2015. Now at the highly belated stage of more than ten years, the proceeding is being challenged by taking a plea that the civil suit is decreed wherein the sale deed is cancelled. He further submits that both the proceeding of the civil suit and the present proceeding are completely on different footing. Here, after collecting all credible evidence the charge sheet was filed for the offences punishable under Sections 420, 467, 468, 471 and 120-B of</p> |
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|  |  |  | <p>IPC. He submits that the trial is with regard to the forgery and as such is on different footing, therefore, the issue, as involved in the trial and the issue, which was subject matter of the suit, which was decreed in the year 2016, are completely on a different footing. He further submits that it is a settled principle of law that both the proceedings can go and proceed and since after collecting all evidence for offence punishable under Section 420, 467 and 471 of IPC, the charge sheet was filed, therefore, on this account alone that the civil suit was decreed in the year 2016, the proceeding cannot be quashed.</p> <p>6. After hearing the rival submission of learned counsel for the parties, I find force on the submission of learned AGA. Admittedly, the trial was commenced in the year 2016 and pending since last ten years and now by taking a plea of civil suit, which was decreed in the year 2016, the proceeding is being challenged by way of this petition, which appear to be an abuse of process of law. Hence, I do not find any merit in this petition and the same is accordingly, dismissed.</p> <p>7. Simultaneously, the trial court is directed that since the trial is pending since 2016, the trial court may make all possible efforts to expedite the trial, as early as possible.</p> <p style="text-align: right;"><b>(Rakesh Thapliyal, J.)</b><br/>17.07.2026</p> <p>Arti</p> |
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