



2026:AHC:212283

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 30102 of 2025

Sushil Kumar Verma And 4 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Mohammad Alam, Mushir Khan
Counsel for Opposite Party(s)	:	Ajay Vikram Yadav, G.A.

Court No. - 79

HON'BLE MADAN PAL SINGH, J.

1. Heard the learned counsel for the applicants, learned counsel for opposite party no.2 and the learned A.G.A. for the State.

2. The present application under Section 528 B.N.S.S. has been filed by the applicant for quashing of the impugned charge-sheet dated 29th April, 2025, cognizance/summoning order dated 14th May, 2025 as well as the entire proceedings of Criminal Case No. 20596 of 2025 (State Vs. Shyam Kumar Verma & Others) arising out of Case Crime No. 0129 of 2025 under Sections 318 (4), 338, 336 (3), 340 (2) and 319 (2) B.N.S., Police Station-Shikohabad, District-Firozabad, pending in the Court of Additional Chief Judicial Magistrate, Firozabad.

3. Brief facts of the case is that the First Information Report dated 3rd March, 2025 has been lodged by O.P, no.2/complainant against the ten named accused persons including the applicants herein by alleging therein that the complainant, Saurabh Verma, son of Bhagwandas Verma, a resident of Bada Bazar, Shikohabad, District Firozabad, alleges a well-orchestrated criminal conspiracy involving property fraud, forgery, and cheating against multiple arrayed private individuals. The dispute pertains to the illegal alienation and unauthorized possession attempts of specific municipal residential plots situated in Shikohabad. The complainant asserts that he, along with co-purchasers, had lawfully acquired absolute ownership and vacant possession of Municipal Plot No. 1218 via a registered sale deed dated May 9, 2024, executed by one Smt. Shaira Bano for a sale consideration of two lakh rupees, and subsequently purchased Municipal Residential Plot Nos. 1219 and 1220 via a validly registered sale deed dated October 30, 2024, executed by Sunil Kumar Sharma and Avdhesh Kumar Sharma for a full consideration of eight lakh rupees. The core grievance that forms the bedrock of the prosecution's case is that the accused persons, having absolutely no

lawful title, interest, or ownership over the subject properties, entered into a criminal conspiracy to defraud the rightful owners and dishonestly executed multiple sham transactions. Specifically, on December 30, 2024, a group of individuals including Smt. Ruksana, Sayna, Husn Bano, Smt. Soni, and Reheesa Begum, acting in active collusion with Sushil Kumar Verma, Shyam Kumar Verma, and witnesses Avdhesh Yadav and Santosh Singh, fraudulently executed a sale deed in respect of Plot Nos. 1219 and 1220 by falsely projecting themselves as the rightful owners. This deceptive design was further extended on January 3, 2025, when the accused persons executed yet another unauthorized and illegal sale deed for the exact same plots in favor of Smt. Seema Verma, utilizing patently forged, fabricated, and counterfeit documents to establish a colorable and fraudulent claim of title. Upon discovering the existence of these forged instruments through the registration office and learning of the subsequent attempts by the accused persons to forcefully take unlawful possession of the plots on January 3, 2025, the complainant approached the local Police Station at Shikohabad on January 28, 2025, to lodge a formal First Information Report. Due to administrative inertia and the failure of the local police to register the cognizable offenses, the complainant was compelled to forward the grievance to the Senior Superintendent of Police, Firozabad, via registered post. Finding no immediate executive redressal, and asserting that the offenses of forgery, cheating, and criminal conspiracy were distinctly committed within the territorial jurisdiction of the court, the complainant moved the learned Magistrate under the relevant statutory provisions to direct the registration of the case and initiate a thorough investigation against the opposite parties, culminating in the present proceedings before this Court.

4. After lodging of the aforesaid first information report, the investigation proceeded and upon completion of the same, the Investigating Officer has submitted the charge-sheet against the applicant on which the cognizance has been taken and the applicant has been summoned, hence the present application has been filed.

5. The statement of the informant/opposite party no.2 recorded under Section 180 B.N.S.S. is that the original owner of ancestral plot numbers 1216, 1217, 1218, 1219, and 1220 was Mohammad Salam, who died leaving behind no male issue, his wife Bijan Begum, and seven married daughters, namely Ruksana, Sayna, Husn Bano, Soni, Rahisha Begum, Bano Begum, and Hasina Bano. Mohammad Salam during his lifetime conveyed plot numbers 1219 and 1220 (measuring 325.59 sq. ft.) via sale deed dated November 2, 1982, to Siyarani, who subsequently executed a sale deed on February 11, 1992, in favour of Sunil Kumar Sharma, from whom the informant along with

co-purchaser Dinesh Chandra purchased the subject plots through a registered sale deed dated October 23, 2024, for a consideration of Rs. 8,07,000/- under Registration No. 127/79, thereby establishing their peaceful possession. Similarly, following Mohammad Salam's death on January 15, 1987, his widow and daughters transferred plot number 1218 to Rasuluddin, who subsequently transferred the same on December 24, 1997, to Mohammad Samsuddin, and upon Samsuddin's unmarried demise, his mother Saira Bano, joining her two daughters as attesting witnesses, executed a valid sale deed dated May 9, 2024 (Registration No. 5483, valuation Rs. 2,18,000/-) transferring the 104 sq. ft. plot to the informant and Akash Soni, who remain in physical possession thereof. The deponent further asserts that despite these lawful, prior registered transactions and recorded municipal tax entries in favor of the earlier purchasers, five of the seven daughters of Mohammad Salam—namely Ruksana, Sayna, Husn Bano, Soni, and Rahisha Begum—acted in collusion to execute two fraudulent and forged sale deeds dated December 26, 2024, in favour of co-accused Sushil Kumar Verma, Shyam Kumar Verma, and Sima Verma. In the first sale deed (Application No. 202400774019140), the sellers purported to convey 818.75 sq. ft. covering plot numbers 1219 and 1220 to Sushil Kumar Verma and Shyam Kumar Verma, unlawfully inflating the actual plot area of 429 sq. ft. by 389.75 sq. ft. to extract illicit financial benefits despite having no subsisting title. In the second sale deed (Application No. 202400774019141), the same vendors transferred 1,983.792 sq. ft. pertaining to plot numbers 1216 and 1217 to Sima Verma and Shyam Kumar Verma, inflating the actual area of 1,755 sq. ft. by 228.79 sq. ft. and falsely reciting the existence of a 15-foot wide passage where only a 5.6-foot pathway exists on the spot. The informant contends that the vendors concealed their lineage by failing to explicitly mention their parents' names, omitted the remaining two legal heirs who would otherwise be necessary parties to convey ancestral property, lacked any recorded municipal tax entries, and illegally purported to transfer land already owned and possessed by the informant, Dinesh Chandra, and Akash Soni, thereby committing deliberate forgery and financial fraud.

6. The contention of the learned counsel for the applicants is that the applicants are innocent. The the allegations made in the present first information report implicating the applicants with other accused are false and fabricated. The present first information report lodged by opposite party no.2 is nothing but a bundle of lie and the same has been lodged only for exploiting the applicants by indulging their names in a fake, false and frivolous case. The entire prosecution story as unfolded in the first information report is absolutely a self-made story projected by opposite party no.2.

7. It is further submitted that as per the prosecution case itself, it is an admitted position that the applicant nos. 1 and 2 are bona fide purchasers, applicant no.3 is the wife of applicant no.3, whereas applicant nos. 4 and 5 are witnesses of sale-deed dated 30th December, 2024 executed by Sunil Kumar Verma in favour of the applicant nos. 1 and 2. There is no dispute of the ownership of the land in dispute. The actual owner of the land in dispute has died long back leaving seven daughters and no partition of the land in dispute has taken place between them by metes and bounds. The land sold by Sunil Kumar Verma to applicant nos. 1 and 2 through registered sale-deed dated 30th December, 2024 had been purchased by him from Smt. Rukshana, Smt. Shaina, Smt. Husn Bano, Smt. Soni and Smt. Raheesh, daughters of the original land holder. As per the version of the first information report and the statement of the informant the dispute between the applicant nos. 1 and 2 and the informant is with regard to area of plot nos. 1218, 1219 and 1220 and because of which the informant has disputed the sale-deed dated 30th December, 2024 executed in favour of the applicant nos. 1 and 2. It is further submitted that with regard to the said dispute, the informant Saurabh Verma has filed an Original Suit being Suit Original Suit No. 129 of 2025 (Saurabh Kumar Verma Vs. Sunil Kumar & 10 Others) for cancellation of sale deed dated 30th December, 2024. If there is anything wrong done in the execution of sale-deed dated 30th December, 2024 that would be examined and decided by the competent court in civil suit which has been filed by the opposite party no.2. As such, there is nothing remain to be adjudicated by the criminal court qua the execution of sale-deed dated 30th December, 2024. It is then submitted that the allegation made against the applicants are only concocted and there is no material or substance is available on record that the applicants are committing any offence and from bare perusal of the statement of the informant, no case is made out against the applicants and in that circumstances the allegation which has been made by the informant is unsustainable against the applicants. Learned counsel for the applicants lastly submits that even if the allegations made against the applicants are assumed to be true, they unmistakably arise out of a civil dispute qua a land, which has been given a criminal colour. The machinery of criminal law cannot be permitted to be misused for settling civil disputes or to wreak vengeance.

On the above premise, learned counsel for the applicants submits that since the present criminal case gives a criminal colour to a civil dispute the same cannot be legally sustained and is liable to be quashed.

8. Per contra, learned A.G.A. and the learned counsel for opposite party no.2 have contented that from the allegations made in the First Information Report cognizable offence is made out against the applicants. The defence of the

applicants cannot be taken into consideration, at this stage. Therefore, the applicant does not deserve any indulgence. Learned counsel for opposite party no.2 has further stated that there is no bar in going on of criminal proceedings and civil proceedings simultaneously. In support of his case, he has placed reliance upon the judgment of the Apex Court in the case of *Accamma Sam Jacob Vs. The State of Karnataka & Another Etc.* reported in 2026 LiveLaw (Sc) 368. However, they could not dispute the fact that the present criminal case arises out of a civil dispute between the parties and the fact that there is dispute with regard to area of land of plot nos. 2018, 2019 and 2020.

9. I have considered the facts and circumstances of the case, the submissions made by the learned counsel for the applicants, learned counsel for opposite party no.2 and the learned A.G.A. for the State and gone through the records of the present criminal application.

10. From the version as unfolded in the first information report lodged by informant/opposite party no.2 and his statement recorded under Section 180 B.N.S.S., it is apparent that the original land holder of the land in question was Mohd. Salam and he had seven daughters and the property of Mohd. Salam had not been demarcated between the said seven daughters by metes and bounds. It is also admitted between the parties that not only the applicant nos. 1 and 2 but also the informant have purchased some part of the land owned by Mohd. Salam and due to some area of plot nos. 1281, 1219 and 1220, dispute arose between the parties. Because of the said dispute, the informant has also lodged Civil Suit No. 129 of 2025 before the Court of Civil Judge, Senior Division, Firozabad for cancellation of sale-deed dated 30th December, 2024 executed by Sunil Kumar Verma in favour of applicant nos. 1 and 2. The entire fact reveals that civil litigation gives criminal colour by means of the present criminal case by the informant. In purchase of the said land, the applicants have not taken committed any fraud for purchase of the said land, meaning thereby that there is no inducement on the part of the applicants to deliverer any property decisively. Similarly, the applicants have not fabricated any documents in sale of the said property to the informant. The present case is a purely civil in nature rather than criminal. The learned counsel for opposite party no.2 also fairly concedes that due to area of plot nos. 1218, 1219 and 1220 dispute arose between the parties because applicants nos. 1 and 2 and informant have purchased some part of the said plots.

11. The Apex Court has, in a long line of decisions, deprecated the tendency to convert civil disputes into criminal proceedings. In **Indian Oil Corporation v. M/s. NEPC India Ltd.** reported in (2006) 6 SCC 738, it was held that criminal law cannot be used as a tool to settle scores in commercial or

contractual matters, and that such misuse amounts to abuse of process. The following paragraphs from the decision are apposite:

"9. The principles, relevant to our purpose are:

(i) A complaint can be quashed where the allegations made in the complaint, even if they are taken at their face value and accepted in their entirety, do not prima facie constitute any offence or make out the case alleged against the accused. For this purpose, the complaint has to be examined as a whole, but without examining the merits of the allegations. Neither a detailed inquiry nor a meticulous analysis of the material nor an assessment of the reliability or genuineness of the allegations in the complaint, is warranted while examining prayer for quashing of a complaint.

(ii) A complaint may also be quashed where it is a clear abuse of the process of the court, as when the criminal proceeding is found to have been initiated with malafides/malice for wreaking vengeance or to cause harm, or where the allegations are absurd and inherently improbable.

(iii) The power to quash shall not, however, be used to stifle or scuttle a legitimate prosecution. The power should be used sparingly and with abundant caution.

(iv) The complaint is not required to verbatim reproduce the legal ingredients of the offence alleged. If the necessary factual foundation is laid in the complaint, merely on the ground that a few ingredients have not been stated in detail, the proceedings should not be quashed. Quashing of the complaint is warranted only where the complaint is so bereft of even the basic facts which are absolutely necessary for making out the offence.

(v) A given set of facts may make out: (a) purely a civil wrong; or (b) purely a criminal offence; or (c) a civil wrong as also a criminal offence. A commercial transaction or a contractual dispute, apart from furnishing a cause of action for seeking remedy in civil law, may also involve a criminal offence. As the nature and scope of a civil proceedings are different from a criminal proceeding, the mere fact that the complaint relates to a commercial transaction or breach of contract, for which a civil remedy is available or has been availed, is not by (2006) 6 SCC 738 itself a ground to quash the criminal proceedings. The test is whether the allegations in the complaint disclose a criminal offence or not."

10. While on this issue, it is necessary to take notice of a growing tendency in business circles to convert purely civil disputes into criminal cases. This is obviously on account of a prevalent impression that civil law remedies are time

consuming and do not adequately protect the interests of lenders/creditors. Such a tendency is seen in several family disputes also, leading to irretrievable break down of marriages/families. There is also an impression that if a person could somehow be entangled in a criminal prosecution, there is a likelihood of imminent settlement. Any effort to settle civil disputes and claims, which do not involve any criminal offence, by applying pressure through criminal prosecution should be deprecated and discouraged."

12. Similarly, in **Inder Mohan Goswami & Another Versus State of Uttaranchal & Others** reported in AIR 2008 SC 251 has emphasized that criminal prosecution must not be permitted as an instrument of harassment or private vendetta.

13. In **Ganga Dhar Kalita Vs. State of Assam** reported in (2015) 9 SCC 647 has again reiterated that criminal complaints in respect of property disputes of civil nature, filed solely to harass the accused or to exert pressure in civil litigation, constitute an abuse of process.

14. Most recently, in **Shailesh Kumar Singh @ Shailesh R. Singh Vs. State of Uttar Pradesh & Others** (Criminal Appeal No. 2963 of 2025 decided on 14th July, 2025: 2025 INSC 869), the Apex Court has disapproved the practice of using criminal proceedings as a substitute for civil remedies, observing that money recovery cannot be enforced through criminal prosecution where the dispute is essentially civil.

15. In view of the aforesaid discussion and deliberations, this Court is of the considered opinion that the present case arises out of a civil dispute qua taking possession over the land in dispute and for the same dispute the present criminal case cannot be legally sustained and is liable to be quashed.

16. Consequently, the entire proceedings of Criminal Case No. 20596 of 2025 (State Vs. Shyam Kumar Verma & Others) arising out of Case Crime No. 0129 of 2025 under Sections 318 (4), 338, 336 (3), 340 (2) and 319 (2) B.N.S., Police Station-Shikohabad, District-Firozabad, pending in the Court of Additional Chief Judicial Magistrate, Firozabad are quashed.

17. The present criminal application is, accordingly, **allowed**. There shall be no order as to costs.

October 9, 2026
Sushil/-

(Madan Pal Singh,J.)