HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Criminal No. 2275 of 2026

04th November, 2026

Gurpal Singh

--Petitioner

Versus

State Of Uttarakhand and others

--Respondents

Presence:-

Mr. Robin David Ratnakar, learned Sr. Advocate assisted by Mr. Jafri and Ms. Vandana Singh, learned Counsel for the petitioner.
Mr. Sandeep Sharma, learned AGA for the State.
Mr. Karan Anand, learned Counsel for the Caveator.

Hon'ble Pankaj Purohit, J. (Oral)

This writ petition has been filed by petitioner seeking a writ or direction in the nature of certiorari for quashing the FIR No.0276 of 2026 dated 14.09.2026 under Sections 120-B, 420 and 467 of IPC registered at P.S. Doiwala, District Dehradun.

2. The facts of the case are that the dispute arises out of certain immovable property situated at Mauza Majri Grant, Tehsil Rishikesh, District Dehradun. The petitioner claims to have purchased the property through a registered sale-deed dated 24.09.2019 which was executed in his favour by the legal heirs of late Sh. Pancham Singh. Subsequently, petitioner's name was mutated in the revenue records vide order dated 28.10.2021. The informant challenged the subsequent property transactions and mutation proceedings before the revenue authorities. Thereafter, on the basis of report dated 06.07.2026, the impugned FIR was registered against the petitioner and other accused persons,

alleging offences relating to criminal conspiracy, cheating and forgery in connection with the aforesaid property transactions. Aggrieved thereby, petitioner has approached this Court contending that the dispute is essentially civil in nature and that the criminal proceedings have been initiated with an ulterior motive.

3. Learned Senior Advocate appearing on behalf of petitioner submitted that the impugned FIR is an abuse of process of law, inasmuch as the dispute essentially pertains to the title and transfer of immovable property, which has already been the subject matter of proceedings before the revenue authorities. It was contended that the petitioner had lawfully purchased the property through a registered sale deed and his name was duly mutated in the revenue records. The informant, having failed to obtain relief in the revenue proceedings, has resorted to criminal proceedings with an ulterior motive to harass the petitioner.

4. It was further contended on behalf of petitioner that the allegations levelled in the FIR do not disclose the commission of the alleged offences and further, that the essential ingredients of cheating, forgery or criminal conspiracy are not made out against the petitioner. Initiation of the criminal proceedings, therefore, would amount to misuse of the criminal justice system. Learned counsel also highlighted that the petitioner is about 78 years of age and is suffering from End-Stage Renal Disease, requiring regular haemodialysis, and submitted that the impugned proceedings are causing undue hardship to him. Accordingly, it was prayed that the FIR be quashed.

5. Learned Counsel who has appeared on behalf of Caveator has produced documents which show that the petitioner had sold around 70 properties in or near Rishikesh, Dehradun between 2019 to 2026 by himself, through his wife Smt. Kamaljeet Kaur and his son Sukhwinder Singh by Power of Attorney. He also laid emphasis on the point that the aforesaid properties were sold by petitioner within a short span of 7 years and therefore, it appears that petitioner is not a *bona fide* purchaser. To buttress his arguments, learned Counsel has also supplied documents to reflect the land/ properties sold by petitioner. The said document is taken on record. He further states that the petitioner is a *land mafia* and is in a habit of purchasing disputed properties at a meager rate than the prevailing market rate and subsequent selling them on sky-rocketed prices. He purchased the property sold to informant, having full knowledge that it had already been sold to informant by late Pancham Singh and his sons on 24.05.2013 through registered sale-deed.

6. Learned State Counsel also adopted the analogy of learned Counsel for the Caveator, and he submitted that the allegations levelled against the petitioner are very serious in nature and therefore this is not a very fit case for quashing or to grant any sort of relief to the petitioner. Learned Counsel for the State emphasized that it may be part of land Scam prevalent in District Dehradun.

7. Having heard the learned counsels for the parties and upon perusal of material on record this court is of the considered opinion that in view of the fact that

land scams are prevalent in District Dehradun, and also considering the fact that the petitioner has many properties near Dehradun and he very frequently dealt with sale and purchase of many properties, it raises a suspicion in the matter which can only be clarified after a proper investigation. Therefore, this Court does not deem it fit to exercise its powers under Article 226 to quash the impugned FIR.

8. Since, the offence alleged against the petitioner is very serious in nature, talks about conspiracy in sale-purchase of land during span of 2013-2019, and a *prima facie* case is made out against the petitioner, it is essential for the ends of justice that the petitioner should be subjected to a proper investigation. Sale of 70 properties in a very short span of 7 years also reflects the seriousness of allegations levelled against the petitioner. It is also a matter to be verified during investigation as from where the petitioner has got such large parcel of land to sell.

9. Insofar as the argument put forth by learned Senior Counsel appearing for the petitioner that the allegations levelled against petitioner are civil in nature, this Court is of the firm view that civil transaction may have criminal trappings, if someone alleges cheating, forgery and conspiracy in those civil transactions. Accordingly, the said submission is discarded.

10. Recently, in the case of **Neeharika Infrastructure Private Limited Vs. State of Maharashtra and others** reported in (2021) 19 SCC 401, it has been held by the Hon'ble Apex Court that High Court would be justified in passing an interim order of

stay of investigation and/or 'no coercive steps to be adopted' during pendency of petition under Article 226 of the Constitution of India as under: -

"33.4 The power of quashing should be exercised sparingly with circumspection, as it has been observed, in the 'rarest of rare cases (not to be confused with the formation in the context of death penalty).

33.5 While examining an FIR/complaint, quashing of which is sought, the court cannot embark upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR/complaint;

33.6 Criminal proceedings ought not to be scuttled at the initial stage;

33.7 Quashing of a complaint/FIR should be an exception rather than an ordinary rule;

33.8 Ordinarily, the courts are barred from usurping the jurisdiction of the police, since the two organs of the State operate in two specific spheres of activities and one ought not to tread over the other sphere;

33.9 The functions of the judiciary and the police are complementary, not overlapping;

33.15) When a prayer for quashing the FIR is made by the alleged accused and the court when it exercises the power under Section 482 Cr.P.C. only has to consider whether the allegations in the FIR disclose commission of a cognizable offence or not. The Court is not required to consider on merits whether or not the merits of the allegations make out a case of cognizable offence and the court has to permit the investigating agency/police to investigate the allegations in the FIR.

33.16 The aforesaid parameters would be applicable and/or the aforesaid aspects are required to be considered by the High Court while passing an interim order in a quashing petition in exercise of powers under Section 482 Cr.P.C. and/or under Article 226 of the Constitution of India. However, an interim order of

stay of investigation during the pendency of the quashing petition can be passed with circumspection. Such an interim order should not require to be passed routinely, casually and/or mechanically. ***Normally, when the investigation is in progress and the facts are hazy and the entire evidence/material is not before the High Court, the High Court should restrain itself from passing the interim order of not to arrest or "no coercive steps to be adopted" and the accused should be relegated to apply for anticipatory bail under Section 438 Cr.P.C. before the competent court. The High Court shall not and as such is not justified in passing the order of not to arrest and/or "no coercive steps" either during the investigation or till the investigation is completed and/or till the final report/chargesheet is filed under Section 173 Cr.P.C., while dismissing/disposing of the quashing petition under Section 482 Cr.P.C. and/or under Article 226 of the Constitution of India.***

33.17. Even in a case where the High Court is prima facie of the opinion that an exceptional case is made out for grant of interim stay of further investigation, after considering the broad parameters while exercising the powers under Section 482 Cr.P.C. and/or under Article 226 of the Constitution of India referred to hereinabove, the High Court has to give brief reasons why such an interim order is warranted and/or is required to be passed so that it can demonstrate the application of mind by the Court and the higher forum can consider what was weighed with the High Court while passing such an interim order."

11. After keeping the above principle in mind, this Court is of the opinion that prima-facie case is made out against the petitioner and this Court, at this stage, cannot enter into the merits of first information report. Veracity of version of prosecution can only be proved

upon conducting of investigation by the Investigating Officer in accordance with due process of law.

12. Permitting such type of offences certainly cause common people tend to suffer in the event of purchasing such properties.

13. Accordingly, the writ petition is dismissed.

14. Pending application, if any, stands disposed of.

(**Pankaj Purohit, J**.)
04.11.2026

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