2026:AHC:209077

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 482 No. - 2934 of 2016

Ranjeet Kumar and 2 others

.....Applicant(s)

Versus

State of U.P. and another

.....Opposite Party(s)

Along with :

1. **Application U/s 482 No. 1011 of 2016:**
   Vinit Kumar
   Versus
   State of U.P. and another
2. **Application U/s 482 No. 1863 of 2016:**
   Pradumn Das and another
   Versus
   State of U.P. and another

Counsel for Applicant(s) : Ajai Kumar Srivastava, Ajay Kumar Singh, Anand Kumar Tripathi, Illashree

Counsel for Opposite Party(s) : Avanindra Kumar Mishra, G.A., Gautam Kumar Mishra, Narendra Deo Shukla, Renu Mishra, Vivek Shukla

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Court No. - 78

HON'BLE SANDEEP JAIN, J.

1. All the instant applications under Section 482 Cr.P.C. have been filed by the accused-applicants with the prayer to quash the charge-sheet No. 86 of 2015, dated 05.11.2015, filed in Case No. 13 of 2016, *State Vs. Ranjit Kumar and others*, arising out of Case Crime No. 88 of 2015, under Sections 419, 420, 467, 468, 471, 504 and 506 IPC, Police Station Gyanpur, District Bhadohi, subsequently known as Sant Ravidas Nagar, as well as the entire proceedings of Case No. 13 of 2016, *State versus Ranjit Kumar and others*, arising out of Case Crime No. 88 of 2015, under Sections 419, 420, 467, 468, 471, 504 and 506 IPC, Police Station Gyanpur, District Bhadohi, pending in the Court of Additional Judicial Magistrate, Bhadohi at Gyanpur.

2. The factual matrix is that the complainant, respondent No. 2, the first

informant, Vishambhar Dayal, resided along with his mother, Vimla Devi, who was an old lady. Due to love and affection, she executed a registered Will dated 28.04.2012 in favour of him, Ajit Kumar and Dileep Kumar, whereby the agricultural land and house were bequeathed to them.

3. She subsequently died on 03.09.2014, and when the first informant and Ajit Kumar were busy in performing the last rites of their mother, the accused-applicants, Ranjit Kumar, Praduman Das and Pradeep Kumar, somehow managed to get their names mutated in the revenue records just six days after the death of their mother, i.e., on 09.09.2014. When this fact came to the knowledge of the first informant, he submitted an application before the Tehsildar, Gyanpur, supported by the aforesaid registered Will.

4. It is the case of the first informant that the aforesaid Will of his mother was within the knowledge of the accused-applicants since its execution. On the basis of the said Will, a house situated in Varanasi also devolved exclusively upon the first informant, but in spite of the same, the accused-applicants managed to get their names mutated in the records of the Nagar Nigam, Varanasi.

5. When the first informant confronted the accused-applicants with the aforesaid facts, they threatened him with dire consequences. With the above facts, an application was given to the Police Station Gyanpur, District Bhadohi, on 20.05.2015, pursuant to which an FIR was registered on 20.05.2015, being Case Crime No. 88 of 2015, under Sections 419, 420, 467, 468, 471, 504 and 506 IPC, at Police Station Gyanpur, District Sant Ravidas Nagar.

6. After investigation, charge-sheet has been submitted against the accused-applicants Ranjit Kumar, Praduman Das, Pradeep Kumar and Vineet Kumar under Sections 420, 419, 467, 468, 471, 504 and 506 IPC, and against accused Ajay Kumar and Ashwani Kumar under Sections 504 and 506 IPC. Cognizance has been taken by the concerned court, which has been challenged in the instant proceedings before this Court.

7. Learned counsel for the accused-applicants submitted that the first informant and the accused-applicants are relatives who are claiming the

disputed property of their mother, Vimla Devi, who allegedly executed a Will in favour of the first informant on 28.04.2012, the execution whereof is wholly doubtful. For cancellation of the said Will, accused-applicants Praduman Das and Ranjit Kumar have instituted Original Suit being O.S. No. 06 of 2015, *Pradyumn Das and another Vs. Vishambhar Dayal and others*, before the Civil Judge, Senior Division, Bhadohi at Gyanpur, which is still pending.

8. It is further submitted that in the aforesaid suit, the veracity and legality of the disputed Will dated 28.04.2012 will be decided, which has been challenged by the accused-applicants.

9. Learned counsel submitted that there is no presumption that merely because a Will is registered, it is genuine and has been executed by the concerned person. He submitted that the dispute is civil in nature, which has been given the colour of a criminal dispute. He further submitted that in the criminal proceedings, the veracity and validity of the Will is not going to be finally determined. With these submissions, it was prayed that the criminal prosecution launched against the accused-applicants be quashed.

10. Per contra, learned counsel appearing for the first informant submitted that the mother of the first informant, Vimla Devi, had executed a registered Will on 28.04.2012 in favour of the first informant, according to which the residential house was bequeathed to him, whereas in the agricultural land he was a co-owner. He further submitted that the aforesaid Will was within the knowledge of the accused-applicants, but still they fraudulently got their names mutated in the revenue records and also moved an application before the concerned Nagar Nigam for getting their names mutated in their favour in respect of the residential house.

11. Learned counsel submitted that in support of the aforesaid application, the accused-applicants also fabricated certain documents. He submitted that, in view of the evidence on record, the Investigating Officer has rightly submitted charge-sheet against the applicants, which requires no interference by this Court in exercise of its jurisdiction under Section 482 Cr.P.C.

12. I have heard learned counsel for both the sides and perused the record.

13. It is apparent that the first informant, Vishambhar Dayal, is claiming ownership of the disputed property on the basis of the registered Will dated 28.04.2012, allegedly executed by his mother, Vimla Devi, in his favour. But the legality and veracity of the said Will have been challenged by the accused-applicants Praduman Das and Ranjit Kumar by filing O.S. No. 6 of 2015 before the Court of Civil Judge, Senior Division, Bhadohi at Gyanpur, which is pending consideration.

14. In the said original suit, it has specifically been mentioned that Vimla Devi was ill, that she had suffered paralysis and was not in a mental and physical condition to execute the alleged Will, and that she died on 03.09.2014. It has specifically been averred in the original suit that the alleged Will was not executed by Vimla Devi and had been fraudulently prepared by the first informant.

15. In the criminal proceedings initiated by the first informant, the statement of the Lekhpal was also recorded by the Investigating Officer, in which he stated that, on getting information regarding the death of Vimla Devi from Ranjit Kumar, he had investigated the matter and thereafter the names of all the legal heirs of the deceased were mutated in the revenue records. He specifically stated that he was not aware of the registered Will of Vimla Devi and, hence, the names of all the legal heirs were mutated in the revenue records.

16. Learned counsel for the first informant has also accepted that the name of the first informant was also mutated as a legal heir in the agricultural land belonging to Vimla Devi.

17. Learned counsel for the informant has repeatedly submitted that a false affidavit on behalf of the first informant was also given by the accused-applicants for mutating the ownership of the residential house before the Nagar Nigam, Varanasi. But, despite repeated queries, learned counsel could not pinpoint the said affidavit.

18. On the contrary, the record discloses that the affidavit was given by accused-applicant Pradumn Das, in which he disclosed that the first

informant was also one of the legal heirs of Smt. Vimla Devi along with others and stated that the name of the first informant be also mutated as co-owner.

19. From the material on record, it is apparent that the accused-applicants claim ownership of the agricultural land and residential house on the basis of their status as legal heirs of deceased Vimla Devi, whereas the first informant claims ownership on the basis of the registered Will of Vimla Devi dated 28.04.2012, the legality and execution of which have not been accepted by the accused-applicants and which has been challenged by filing O.S. No. 6 of 2015, which is still pending consideration.

20. At this stage, it would be apposite to refer to the principles governing exercise of jurisdiction under Section 482 Cr.P.C. The Supreme Court in ***State of Haryana v. Bhajan Lal*, 1992 Supp (1) SCC 335**, has illustrated the categories of cases in which the extraordinary jurisdiction of the High Court may be exercised to prevent abuse of the process of law or otherwise to secure the ends of justice. At the same time, such power is required to be exercised sparingly and with circumspection.

21. It is equally well settled that merely because the allegations arise out of a civil dispute, criminal proceedings cannot automatically be quashed if the ingredients of a criminal offence are otherwise disclosed. However, where the allegations, even if taken at their face value, do not disclose the essential ingredients of the alleged offences, or where continuation of the proceedings would amount to abuse of the process of the Court, the jurisdiction under Section 482 Cr.P.C. can certainly be exercised.

22. In the present case, the offences under Sections 467, 468 and 471 IPC substantially rest upon the allegation of fabrication and use of forged documents. **In *Mohd. Ibrahim v. State of Bihar*, (2009) 8 SCC 751,** the Supreme Court explained the concept of a “false document” under Section 464 IPC and held that the condition precedent for an offence of forgery under Sections 467 and 471 IPC is the making of a false document. Likewise, in ***Sheila Sebastian v. R. Jawaharaj*, (2018) 7 SCC 581,** the Supreme Court reiterated that, for an offence of forgery, the prosecution must establish the making of the false document by the accused.

23. Applying the aforesaid principles to the facts of the present case, it is apparent that prima facie no document has been shown to have been fabricated by the accused-applicants. Rather, the material on record indicates that the accused-applicants claimed their rights over the property on the basis of their status as legal heirs of deceased Vimla Devi and pleaded that they were unaware of the execution of the alleged Will.

24. The fact that the accused-applicants have challenged the validity and execution of the Will before the competent civil court also assumes significance. The question regarding the genuineness, validity and due execution of the Will is already the subject matter of adjudication in O.S. No. 6 of 2015. The pendency of the civil suit, by itself, would not be a ground for quashing a criminal prosecution; however, in the facts of the present case, the material collected during investigation does not disclose the essential ingredients of the offences alleged against the accused-applicants.

25. It is also significant that the Lekhpal, whose statement was recorded during investigation, has stated that he was unaware of the alleged Will and that the names of all the legal heirs were mutated in the revenue records. Further, the affidavit relied upon by the informant itself discloses the first informant as one of the legal heirs and co-owner. Thus, the material relied upon by the prosecution does not prima facie establish that the accused-applicants had fabricated a false document or had fraudulently represented themselves as somebody else.

26. The Supreme Court has repeatedly cautioned that, while exercising jurisdiction under Section 482 Cr.P.C., the High Court ordinarily does not conduct a mini-trial or undertake a meticulous appreciation of evidence. Nevertheless, where the uncontroverted material collected during investigation does not disclose the basic ingredients of the alleged offences and continuation of the criminal proceedings would amount to abuse of the process of the Court, interference under Section 482 Cr.P.C. is justified.

27. In view of the aforesaid facts and the material available on record, no prima facie case is made out against the accused-applicants and, hence, continuation of the criminal proceedings against them would amount to

abuse of the process of the Court.

28. Accordingly, all the applications under Section 482 Cr.P.C. deserve to be **allowed.**

29. For the aforesaid reasons, all the applications under Section 482 Cr.P.C. are allowed. Consequently, Case No. 13 of 2016, *State versus Ranjit Kumar and others*, including charge-sheet No. 86 of 2015, arising out of Case Crime No. 88 of 2015, Police Station Gyanpur, District Sant Ravidas Nagar, under Sections 419, 420, 467, 468, 471, 504 and 506 IPC, and all consequential proceedings arising therefrom, are hereby quashed.

30. The concerned court below shall take consequential steps accordingly.

(Sandeep Jain,J.)

October 6, 2026
RavindraKSingh

Digitally signed by :-
RAVINDRA KUMAR SINGH
High Court of Judicature at Allahabad