2026:AHC:229313

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 5526 of 2026

Sadruddin And 3 Others

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Muqeem Ahmad
Counsel for Opposite Party(s)	:	Aqeel Ahmad, G.A., Zafar Abbas

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 9th January, 2026 as well as the entire proceedings of Criminal Case No. 184 of 2026 (State Vs. Gayasuddin & Others), arising out of Case Crime 213 of 2025 under Sections 419, 420, 467, 468, 471 and 120-B I.P.C., Police Station-Khetasarain, district-Jaunpur, pending in the Court of Additional Chief Judicial Magistrate, Court No.12, Jaunpur.

3. Brief facts of the case is that the First Information Report dated 13th October, 2025 through an application under Section 173 (4) B.N.S.S. has been lodged by O.P, no.2/complainant, namely, Mohd. Alkama Khan against the seven named accused persons including the applicants. In his complaint, the informant has stated that his maternal grandfather, saleem, owned landed property, and following the demise of his legal heirs, the names of the informant's mother and aunts were duly recorded in the revenue records. It is alleged that the accused persons, namely gayasuddin, sadruddin, mohammad salman, mohammad fateh alam, tauhid khan, mohammad ashique ansari, and ayub, actuated by a dishonest intention to usurp the property, conspired and fabricated a false and fraudulent marriage deed dated april 6, 1977, showing the minor daughter of the informant's maternal uncle as married to gayasuddin, whereas she had already passed away in 1988. The first information report further records that the accused persons manipulated official records and engineered a fictitious revision file and a forged judicial order dated september 6, 2016, from the court of the deputy director of consolidation, which upon departmental inquiry was found to be non-existent and fraudulent. The prosecution case states that when the informant executed

an agreement to sell regarding the disputed land in february 2025, the accused persons mounted pressure, and subsequently on september 28, 2025, at about 8:00 p.m., the named accused persons arrived brandishing firearms, hurled filthy abuses, and extended death threats. It is stated that despite approaching the local police and the superintendent of police by registered post, no effective action was taken, constraining the informant to invoke judicial intervention for the registration of the crime and a thorough investigation.

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. Learned counsel for the applicant submitted that the First Information Report has been lodged on the basis of false and frivolous allegations, which is nothing but an abuse of process of law only with a view to harass the applicant. He has also submitted that by means of present criminal proceedings, a civil dispute has been converted into criminal case.

6. Per contra, learned A.G.A. and the learned counsel for opposite party no.2 have opposed the submissions made by the learned counsel for the opposite party no.2. They have contented that from the allegations made in the First Information Report cognizable offence is made out against the applicants. The defence of the applicant cannot be taken into consideration, at this stage. Therefore, the applicant does not deserve any indulgence.

7. From the perusal of the material on record and looking into the facts of the case at this stage it cannot be said that no offence is made out against the applicant. All the submissions made at the bar relate to the disputed questions of fact, which cannot be adjudicated upon by this Court under Section 482 Cr.P.C./528 B.N.S.S. At this stage only prima facie case is to be seen where the allegation made in the FIR/complaint, even of they are taken at their entirety, prima facie constitutes cognizable offence against the accused.

8. Position of law for invoking the jurisdiction of inherent power of High Court has been settled by the Apex Court in following judgments:-

1. **R.P. Kapur Vs. State of Punjab**, *A.I.R. 1960 S.C. 866*;

2. **Kurukshetra University Vs. State of Haryana**, *(1977) 4 SCC 451;*

3. **State of West Bengal Vs. Swapan Kumar Guha**, *(1982) 1 SCC 561;*

4. **Dhanalakshmi Vs. R. Prasanna Kumar**, *1990 Supp SCC 686;*

5. **State of Haryana & Others Vs. Bhajan Lal**, *1992 Supp (1) SCC 335;*

6. **State of Bihar Vs. P.P. Sharma**, *1992 Supp (1) SCC 222;*

7. **B.S. Joshi Vs, State of Haryana,** *(2003) 4 SCC 675;*

8. **Sanapareddy Maheedhar Seshagiri & another Vs. State of Andhra Pradesh & another**, *(2007) 13 SCC 165;*

9. **State of Telangana Vs. Habib Abdullaha Jilani & others**, *(2017) 2 SCC 779;*

10. **M/s Neeharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra & others**, *2021 AIR SC 1918.*

9. After considering the totality of facts of the case and keeping in mind the position of law, there is no merit in the present application. Apart from that there is no material to show that the complaint/FIR is malafide, frivolous and vexatious. The version of the first information report and the statements of the informant/complainant and other witnesses recorded under Sections 161 Cr.P.C./180 B.N.S.S., and the police documents/ papers collected by the Investigating Officer during the course of investigation, support the prosecution version. The interference at the threshold of quashing of the criminal proceedings of the present case cannot be said to be exceptional as it discloses prima facie commission of cognizable offence.

10.In the result, the prayer for quashing of entire proceeding, charge sheet and cognizance order is refused.

11. With the aforesaid observations, the application is **dismissed.**

November 4, 2026
Sushil/-

(Madan Pal Singh,J.)

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