2026:AHC:208112

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 9068 of 2026

Rajesh Kumar Kasera

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Anjani Kumar, Ashok Kumar Gautam, Dilip Kumar
Counsel for Opposite Party(s)	:	G.A., Sarita Singh

Court No. - 79

HON'BLE MADAN PAL SINGH, J.

1. Heard learned counsel for the parties and perused the material available on record.

2. The present application under Section 528 of BNSS has been filed by the applicant seeking quashing of Charge Sheet No. 69 of 2015 dated 20.10.2015, the summoning order dated 23.11.2015 passed by the Civil Judge (J.D.)/Magistrate, Duddhi, Sonbhadra, as well as the entire proceedings of Case No. 1005 of 2017 (State vs. Rajesh Kasera), arising out of Case Crime No. 389 of 2015, under Sections 419, 420, 467, 468 and 471 I.P.C., Police Station Duddhi, District Sonbhadra.

3. The brief facts of the present case are that an F.I.R. was lodged on 02.09.2015 against the applicant and other persons on the complaint of opposite party no. 2. It was alleged that the applicant had fabricated mutation entries and forged land revenue records in respect of banjar (government) land bearing Araji No. 1579 Chha Mi, measuring 0.0510 hectares, situated at Village Beejpur, District Sonbhadra. After completing the investigation, the Investigating Officer submitted charge sheet against the applicant on 20.10.2015. Thereafter, the learned Magistrate took cognizance and passed the summoning order dated 23.11.2015.

4. Learned counsel for the applicant submits that the applicant has been falsely implicated due to a private dispute relating to land. It is submitted that a civil suit between the parties is also pending before the

competent civil court and, therefore, the dispute is purely civil in nature and has been given a criminal colour. It is further submitted that the learned Magistrate passed the summoning order in a routine manner without proper application of judicial mind.

5. Per contra, learned A.G.A. as well as learned counsel for opposite party no. 2 submit that the allegations against the applicant are serious in nature and relate to forgery and preparation of false revenue records for the purpose of obtaining illegal benefit in respect of government land. It is further submitted that during investigation, sufficient oral and documentary evidence was collected against the applicant, on the basis of which the charge sheet was submitted. It is also submitted that the defence taken by the applicant involves disputed questions of fact, which cannot be examined in proceedings under Section 528 BNSS.
6. It is further submitted that, as per letter Ref. No. 630/ स०अ०अ०/रीडर/ओबरा-सोनभद्र dated 28.08.2013, the Assistant Record Officer, Obra, Sonbhadra reported that fraudulent implementation orders, namely Parwana Amaldaramad Nos. 1459 and 1476 dated 23.05.2013, had been illegally used for mutating government/banjar land situated in Village Beejpur. The said authority also reported that no such proceedings had actually taken place and that the signatures appearing on the documents were forged. Accordingly, an inquiry was requested and directions were sought for cancellation of the forged entries and for taking appropriate criminal action against the persons responsible.
7. I have considered the submissions made by learned counsel for the parties and have perused the material available on record.
8. From a perusal of the F.I.R., charge sheet and other material available on record, it cannot be said that no prima facie case is made out against the applicant. The allegations relate to forgery of official documents and illegal mutation of government/banjar land. The material collected during investigation prima facie supports the allegations made against the applicant. The defence taken by the applicant relates to disputed questions of fact, which can be properly examined during trial. At this stage, this Court is only required to see whether the allegations and the material collected during investigation disclose a prima facie case against the applicant. Since a prima facie case is made out, no ground is made out for quashing the impugned proceedings.
9. The law relating to exercise of inherent jurisdiction by the High Court

has been settled by the Hon'ble Supreme Court in the 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, AIR 2021 SC 1918.**

10. In view of the facts and circumstances of the present case and the settled legal position, this Court finds no merit in the present application. There is also no material on record to show that the F.I.R. or the criminal proceedings have been initiated with any mala fide intention or are frivolous or vexatious. The allegations made in the F.I.R. and the material collected during investigation prima facie disclose the commission of cognizable offences. Therefore, no interference is required by this Court at this stage.

11. In view of the above, the prayer for quashing the charge sheet, cognizance/summoning order and the entire criminal proceedings is refused.

12. Accordingly, the application is rejected.

October 5, 2026
Akbar

(Madan Pal Singh,J.)

Digitally signed by :-
MOHAMMAD AKBAR
High Court of Judicature at Allahabad