HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 36721 of 2025

Rajesh Singh

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Jitendra Rana
Counsel for Opposite Party(s)	:	G.A.

Court No. - 79

HON'BLE MADAN PAL SINGH, J.

1. Heard learned counsel for the applicants, learned A.G.A. for the State-respondent and perused the record. Despite service of notice, none appears on behalf of the opposite party no.2.

2. The present application has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking quashing of the charge-sheet No. 03 of 2025 dated 06.03.2025 as well as the cognizance/summoning order dated 11.03.2025 passed by the learned Judicial Magistrate-III, Gorakhpur in Case No. 19396 of 2022 (State Vs. Ranjeet Singh and others), arising out of Case Crime No. 30 of 2021, under Sections 419, 420, 467, 468, 471 and 120-B IPC, Police Station Khajni, District Gorakhpur.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in the present case and no specific role has been assigned to them in the alleged commission of the offence. It is further submitted that the dispute essentially relates to the execution of a sale deed in respect of the property in question and, therefore, the same is predominantly civil in nature. It is also contended that the FIR was lodged after an unexplained delay and the applicants have unnecessarily been implicated during the course of investigation. The impugned charge-sheet has been submitted without properly appreciating the material collected during

investigation, and the learned Magistrate has also passed the cognizance/summoning order without application of judicial mind. Hence, the impugned proceedings are liable to be quashed.

4. Per contra, learned A.G.A. opposes the prayer for quashing and submits that the allegations made in the FIR, coupled with the statements of the informant and other witnesses recorded during investigation, prima facie disclose the commission of cognizable offences. It is further submitted that the material collected during investigation reveals a larger conspiracy involving impersonation, fabrication of documents and fraudulent transactions through different bank accounts. Thus, no interference is warranted by this Court.

5. Having considered the rival submissions and upon perusal of the material available on record, this Court finds that the allegations made in the FIR are not confined merely to a dispute relating to the title or ownership of the property. The specific allegation of the informant, Smt. Abha Mall, is that she is one of the recorded tenure holders of Gata No. 278, Khata No. 3270, situated at Village Ahmedpur, District Gorakhpur. On 25.01.2021, she came to know that Smt. Poonam Devi and her husband, along with other persons, were claiming rights over the said property on the basis of a registered sale deed allegedly executed in their favour on 26.10.2020.

6. The informant specifically stated that she had never executed any sale deed in respect of the aforesaid property nor had she entered into any agreement for its sale or created any mortgage. On examining the alleged sale deed, she came to know that an unknown woman had impersonated her and had executed the sale deed by using forged identity documents containing particulars purportedly resembling those of the informant. The informant further alleged that the particulars relating to her date of birth, Aadhaar card and mobile number mentioned in the alleged sale deed were different from her actual particulars. It was also alleged that the accused persons, in furtherance of their common intention and criminal

conspiracy, had prepared forged documents and used the same as genuine for getting the sale deed registered, thereby attempting to grab her property. The informant also alleged that when she protested against the fraudulent transaction and threatened to initiate legal proceedings, she was abused and threatened with dire consequences, including death.

7. Significantly, the statement of Vinod Kumar Vishwakarma, recorded during investigation, also assumes relevance. In his statement, he disclosed that he was running a Jan Seva Kendra and Customer Service Centre of Baroda U.P. Bank at Gairaiya Bazar, District Ambedkar Nagar, which was registered in his name but was being operated and managed by his son, Avinash alias Prabhas alias Raja alias Guru Prasad. He specifically stated that Pankaj Sharma and Ranjit Singh alias Rinku Singh, along with Rajesh Singh (applicant), had approached his son and induced him to provide his bank account particulars on the pretext that Rajesh Singh was engaged in contract work relating to the Link Expressway and needed to make cash payments to labourers. On the assurance that the persons concerned would be responsible for any irregularity, his son provided the bank account particulars, including the HDFC Bank account.

8. Vinod Kumar Vishwakarma further disclosed that the amounts received in the said accounts were withdrawn in cash by Rajesh Singh either on the same day or on the following day. On subsequently making enquiries, he came to know that after receiving the cash, Rajesh Singh was transferring the amounts through other Customer Service Centres into different bank accounts, including an account allegedly belonging to his wife, Smt. Samita Singh. The aforesaid statement, prima facie, indicates the involvement of different persons in facilitating and routing the disputed monetary transactions through various bank accounts and Customer Service Centres. The said circumstances cannot be completely divorced from the allegations of impersonation, forgery and fraudulent execution of the sale deed made by the informant.

9. At this stage, it is not for this Court to undertake a meticulous

examination of the evidence collected during investigation or to determine the correctness and credibility of the statements of the witnesses. The statement of Vinod Kumar Vishwakarma, when considered along with the allegations made by the informant, prima facie discloses circumstances requiring investigation and trial regarding the role of the persons involved in the alleged fraudulent transaction and the flow of money through different bank accounts. Whether the applicants had knowledge of the fraudulent transaction, whether they actively participated in the alleged conspiracy and whether the transactions were connected with the forged sale deed are matters which require appreciation of evidence during trial.

10. The contention that the dispute is purely civil in nature also does not appeal to this Court. Merely because the allegations relate to a transaction concerning immovable property, the criminal liability arising out of alleged impersonation, forgery, cheating and use of forged documents cannot be excluded, particularly when the informant specifically alleges that she never executed the sale deed and that another person impersonated her by using forged identity documents. The existence of a civil remedy for seeking cancellation of the sale deed does not, by itself, bar criminal proceedings where the allegations also disclose the ingredients of cognizable offences.

11. The law relating to exercise of inherent jurisdiction for quashing criminal proceedings is well settled by the Hon'ble Supreme Court in the case of ***State of Haryana and others Vs. Bhajan Lal and others, 1992 Supp (1) SCC 335***, wherein illustrative categories have been laid down in which the extraordinary jurisdiction of the High Court may be exercised for quashing criminal proceedings. However, the said power is to be exercised sparingly and with circumspection. Where the allegations made in the FIR and the material collected during investigation, taken at their face value, prima facie constitute the ingredients of a cognizable offence, the criminal proceedings ordinarily ought not to be interdicted at the threshold.

12. Applying the aforesaid principles to the facts of the present case, this Court is of the considered view that the allegations made in the FIR,

read along with the statements of the informant and Vinod Kumar Vishwakarma and the other material collected during investigation, prima facie disclose the commission of cognizable offences. The present case does not fall within any of the categories enumerated in ***Bhajan Lal (supra)***, warranting exercise of the inherent jurisdiction of this Court. The disputed questions relating to the identity of the person who executed the sale deed, the alleged fabrication of documents, the flow of money and the respective roles of the accused persons cannot be adjudicated in proceedings under Section 528 BNSS.

13. In view of the foregoing discussion, this Court does not find any good ground to interfere with the impugned charge-sheet or the cognizance/summoning order. The application is, accordingly, dismissed.

14. It is, however, made clear that the observations made hereinabove are confined to the adjudication of the present application and shall not prejudice the defence of the applicants during trial. The trial court shall proceed independently and decide the case on the basis of the evidence adduced before it, without being influenced by any observation made in this order.

(Madan Pal Singh,J.)

November 2, 2026
pks

Digitally signed by :-
PANKAJ KUMAR SRIVASTAVA
High Court of Judicature at Allahabad