



2026:AHC:152074-DB

Reserved

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. WRIT PETITION No. - 1193 of 2026

Dr. Pooja Chaudhary and another

.....Petitioners

Versus

State of U.P. and others

.....Respondents

Counsel for the Petitioners : Paritosh Joshi, Sr. Advocate, Vivek Chaturvedi

Counsel for the Respondents : Dharmendra Pratap Singh, G.A.

Court No. - 2

HON'BLE J.J. MUNIR, J.

HON'BLE LAKSHMI KANT SHUKLA, J.

Delivered by Hon'ble J.J. Munir, J.

1. The petitioners impugn the First Information Report dated 16.12.2025 (for short, 'the impugned FIR'), giving rise to Crime No. 0323 of 2025, under Sections 420, 467, 468, 471 of the Indian Penal Code, 1860 ('IPC' for short), Police Station Civil Lines, District Muzaffar Nagar.

2. Respondent no.3 to the writ petition is the first informant of the case. The third respondent lodged the impugned FIR with a case that his sister of full-blood, Smt. Uma Rathi, entered into an agreement to sell with Smt. Pooja Chaudhary wife of Sunil Chaudhary and Sunil Chaudhary, the petitioners here, with the latter agreeing to sell their plot bearing *Khasra* no. 1252, admeasuring 784.11 square yards, situate at Circular Road, Muzaffar Nagar in Uma Rathi's favour. The aforesaid transaction was entered into on 17.11.2011 and a sum of Rs. 80 lacs was paid in cash by Uma Rathi to the petitioners. The petitioners, after receiving the entire consideration, issued a receipt in Uma Rathi's favour. The receipt was given in the presence of witnesses Sunil Sharma son of B.R. Sharma and

3. It is the third respondent's case that the petitioners later on turned dishonest, betraying the trust between parties with the intent to cheat. The petitioners had given possession to Uma Rathi, who was the third respondent's sister, after the aforesaid transaction. The third respondent's sister passed away on 16.05.2021. Before her demise, she authorized the third respondent to look after all legal matters as her legal representative. The third respondent asserts that he is duly authorized by the deceased vendee to look after her estate. The third respondent also says that his brother-in-law has given a written consent to him to act on his behalf. It is said that earlier his sister was in possession of the property in question and now he is in possession. The petitioners, entering into a conspiracy amongst themselves, in order to cause wrongful gain to themselves and wrongful loss to the third respondent, ignoring the receipt of Rs.80 lacs in part performance, *mala fide* and out of ill-will, executed a sale deed of the plot in dispute on 31.10.2012 in favour of Udit Narain son of Udaiveer Singh, a resident of Mohalla New Mandi, Town and Police Station Jhabreda, District Haridwar, Uttarakhand. At the same time, the second petitioner's father, in conspiracy with the petitioners and with a common intention, executed a sale deed on 31.10.2012 itself in favour of Udit Narain relating to the same plot of land. This sale deed was without authority. The transfer is castigated as fraudulent and a serious crime.

4. The FIR then goes on to detail the particulars of registration of both the documents in the office of the Sub-Registrar. It is then said by the third respondent that the transfer in favour of Udit Narain was done fraudulently with an intent to defeat the third respondent's rights. It is asserted that the act of the petitioners amounts to criminal breach of trust and cheating, besides forgery of a valuable security and the making of a false document with the intent to cheat, all of which are serious cognizable offences. The FIR goes on to say that upon coming to know of the aforesaid developments, the third respondent went to the Police and then to the Senior Superintendent of Police, Muzaffar Nagar, sending him

impugned FIR encloses with it a most crucial document, which is an order dated 21.11.2025 passed by this Court in Matters under Article 227 No. 13610 of 2025, a particular that we noticed from the papers filed along with the writ petition. Also enclosed with the impugned FIR is a copy of the application moved under Section 156(3) of the Code of Criminal Procedure Code before the Magistrate and the information sent to the Senior S.P., Muzaffar Nagar.

5. Parties have exchanged affidavits.

6. Heard Mr. Paritosh Joshi, learned Counsel for the petitioners, Mr. Sarvashva Thakur, learned Counsel appearing on behalf of respondent no. 3 and Mr. Deepakh Kapoor, learned Additional Government Advocate appearing on behalf of the State.

7. At the first blush, we were minded to think that the dispute is purely civil in nature and one about earnest paid by the third respondent's predecessor for purchase of the plot in dispute, where a sale deed was not executed in the terms agreed, and, instead sale deeds, oddly two in number, relating to the same plot of land, were executed in favour of a third party. Normally, in a case like the present one, there could be various reasons for the transaction not fructifying. Also, it does not appear to be a case where a registered agreement to sell was executed by the petitioners in favour of the third respondent's predecessor, but on a closer look at the entirety of circumstances, it does appear that the petitioners, after accepting a sum of Rs. 80 lacs from the third respondent's sister, proceeded to execute sale deeds in favour of a third party, without settling the earnest that they had received from the third respondent's sister. Of course, there is no issue about part performance because there is no registered agreement to sell so as to create any interest attached to ownership of land and delivery of possession in part performance of the registered agreement creating such interest. The issue appears to be limited to a dishonest intention which might have developed at a later

think on our own understanding if a case for quashing on the established parameters is made out. Our difficulty stems from the fact that when the third respondent went to the learned Magistrate with an application under Section 156(3) Cr.P.C., seeking a direction to the Police to register a case on the allegations which we have now before us, the Magistrate directed the application to be treated as a complaint *vide* order dated 12.07.2023. Later on, the learned Magistrate, after holding an inquiry, dismissed the complaint under Section 203 Cr.P.C. *vide* order dated 06.05.2024. The third respondent went up in revision before the learned Sessions Judge, who dismissed it *vide* an order dated 16.07.2025. Both these orders were impugned before this Court by the third respondent by means of a petition under Article 227 of the Constitution, being Matters under Article 227 No. 13610 of 2025. This petition, which came up before a learned Single Judge of this Court on 21.11.2025, was allowed, setting aside the orders made by the learned Sessions Judge and the Magistrate together with a direction to the Station House Officer concerned to register an FIR on the basis of the third respondent's complaint and undertake investigation. The material part of the order passed by the learned Single Judge in Matters under Article 227 No. 13610 of 2025, on 21.11.2025, reads as follows:

“6. In light of the above factual matrix, this Court is of the considered view that the findings recorded by the learned Magistrate as well as the revisional court are *ex facie* erroneous. Both courts failed to examine whether the allegations *prima facie* disclosed the commission of cognizable offences. At the stage of registration of an FIR, the Court is only required to ascertain whether the complaint discloses a cognizable offence; it cannot undertake a detailed scrutiny of the validity of documents or adjudicate upon the title to the property. The reliance placed on the provisions of the Transfer of Property Act and issues relating to civil title was wholly misdirected.

7. Given the nature of allegations, which *prima facie* indicate elements of cheating, forgery, and dishonest misappropriation, this Court is satisfied

8. The Station House Officer concerned is directed to register the FIR on the basis of the petitioner's complaint and undertake the investigation uninfluenced by any observations made by the courts below, and strictly in accordance with law.

9. With the above observations and directions, the present petition stands **allowed.**"

9. A perusal of the orders of the learned Single Judge made in Matters under Article 227 No. 13610 of 2025 shows that there is a direction *inter partes* to the Police to register an FIR and investigate. Therefore, if we were to apply our mind independently and think that there is a case purely of a civil nature involved and proceed to quash the FIR, what we would be doing in effect is nullifying, and, if we may dare say, setting aside the judgment of the learned Single Judge, which *inter partes* has become final. We have been informed during hearing that the judgment and order dated 21.11.2025 passed by the learned Single Judge has not been put to challenge before the Supreme Court. Decidedly, it has attained finality and the impugned FIR has been registered by the Police, which they are now investigating pursuant to the command of the learned Single Judge. There is, therefore, no scope for this Court to interfere with the impugned FIR on any ground or premise whatsoever and quash it.

10. In the result, this petition fails and is **dismissed.**

11. The interim order dated 24.04.2026 is hereby vacated.

(Lakshmi Kant Shukla,J.) (J.J. Munir,J.)

July 23 , 2026

Anoop