

Court No. - 73

Case :- APPLICATION U/S 528 BNSS No. - 7765 of 2025

Applicant :- Smt. Aruna Rai And 3 Others

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Santosh Kumar Mishra, Sunil Vashisth

Counsel for Opposite Party :- G.A., Manish Kumar Dubey

Hon'ble Dinesh Pathak, J.

1. Heard learned counsel for the applicants, learned counsel for the opposite party No.2 as well as learned A.G.A. for the State.

2. Applicants have invoked the inherent jurisdiction of this Court under Section 528 B.N.S.S. for quashing the entire proceedings including cognizance/summoning order dated 15-11-2024 passed by Special Judge (S.C./ S.T. Act) Prayagraj in Special S.T. No. 241 of 2024 (State Vs Aruna Rai and others) arises out of charge sheet in Case Crime No. 177 of 2024, under section 419, 420, 406, 504, 506 I.P.C. and 3 (1) ढ, ढ of S.C. / S.T. Act, P.S.- Colonlganj, Prayagraj pending before Special Judge (S.C. / S.T. Act) Prayagraj.

3. It is submitted that civil litigation with respect to the transfer of property through registered sale deed dated 01.12.2016 has illegally been dragged into the criminal proceeding. As per F.I.R. version, accused have got an agreement to sale dated 25.06.2015 executed in their favour. On the basis thereof, subsequently, got the sale deed dated 01.12.2016 executed in their favour as well. It is submitted that for cancellation of the registered sale deed dated 01.12.2016, a civil suit has already been instituted by the O.P. No.2, being O.S. No. 823 of 2024. In the backdrop of the civil dispute relating to transfer of property, the allegation u/s 3(1)(Da)(Dha) of S.C. / S.T. Act is shaky and not credible. No case of cheating and criminal breach of trust is made out in the present matter. It is further submitted that offence under Sections 420 and 406 I.P.C. cannot go simultaneously in one event.

4. Matter requires consideration.

5. List this matter on **22.08.2025**.

6. In the meantime, both the parties shall exchange their respective affidavits, if any.

4. Till the next date of listing, further proceeding against the applicants in aforesaid criminal case shall remain stayed.

Order Date :- 9.7.2025/Sumit K.