

Court No. - 52

Case :- APPLICATION U/S 528 BNSS No. - 14468 of 2025

Applicant :- Manoj Tiwari And 5 Others

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

Counsel for Applicant :- Ashok Kumar Singh, Preeti Dwivedi

Counsel for Opposite Party :- G.A., Kanhiya Lal Chauhan

Hon'ble Mrs. Manju Rani Chauhan, J.

Heard learned counsel for the applicants, Mrs. Kirti Singh, learned AGA for the State, Sri Kanhiya Lal Chauhan, learned counsel for O.P. No. 2 and perused the record.

Learned counsel for the applicants submits that the applicant no. 1 entered into an agreement to sell with O.P. No. 2 on 09.09.2020, wherein one of the conditions was that remaining amount of consideration i.e. Rs. 3 lakh would be paid within six months, however, even after the passage of nearly four years when nothing was done by O.P. No. 2 as neither the sale deed was executed nor remaining amount was paid within stipulated period, the applicant no. 1 has executed a sale deed in favour of one Meena Devi on 05.07.2024. It is further submitted that in order to give criminal colour to the civil dispute, the present case has been lodged against the applicants. In such circumstances no prosecution could lie against the applicants.

Matter requires consideration.

Four weeks' time is granted to file counter affidavit. Rejoinder affidavit, if any, may be filed within two weeks thereafter.

List thereafter. Till then, no coercive action shall be taken against the applicants in S.T. No. 42 of 2025 arising out of Case Crime No. 265 of 2024, under Sections 191(2), 352, 351(2), 316 (2) B.N.S. & 3(1)Da, Dha SC/ST Act against applicant no. 1 and under Sections 191 (2), 352, 351(2) BNS & 3(1) dha, Dha SC/ST Act against applicant nos. 2 to 6, P.S. Gopiganj, District Bhadohi.

Order Date :- 21.5.2025/DS