

Court No. - 90

Case :- APPLICATION U/S 482 No. - 39462 of 2018

Applicant :- Manoj Sharma And 2 Others

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

Counsel for Applicant :- Saurabh Sachan, Ashwani Kumar Sachan

Counsel for Opposite Party :- G.A., Awadhesh Kumar
Mishra, B.B. Singh, S.B. Singh

Hon'ble Dinesh Pathak, J.

1. Heard learned counsel for the applicants and the learned A.G.A. None is present on behalf of respondent no. 2.
2. It is submitted that civil litigation has maliciously been dragged into the criminal proceeding. An F.I.R. has been lodged against the present applicants levelling allegations of cheating, forgery and criminal intimidation with an averment that sale deed dated 02.06.20214 has illegally been got executed by the present applicants. It is further submitted that sale deed was executed by the father of the first informant, however, F.I.R. has been lodged at a belated stage on 17.04.2018. The first informant (respondent no. 2) has filed a suit being Original Suit No.5752 of 2017, for cancellation of the registered sale deed dated 02.06.2014, declaration and permanent prohibitory injunction on 01.11.2017 which is still pending consideration. It is next submitted that in light of pendency of suit for cancellation of the sale deed, the genuineness of the said sale deed cannot be examined in a criminal proceeding.
3. Matter requires consideration.
4. List this matter on 20.12.2023.
5. In the meantime, parties shall exchange their respective affidavits.
6. Until further orders of this Court, further proceeding in Complaint Case No. 105 of 2018 dated 04.10.2018 under Section 420, 467, 468, 469, 504, 506, 120-B I.P.C. passed by the Judicial Magistrate, Javar, District Gautam Budh Nagar shall remain stayed so far as it relates to the present applicants.

Order Date :- 7.11.2023

VR