

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.2452 OF 2009

MOHD.KHALID KHAN

... APPELLANT(S)

VS.

STATE OF U.P.& ANR.

... RESPONDENT(S)

WITH

CRLIMINAL APPEAL NO.2453/2009

J U D G M E N T

Being aggrieved by the common order dated 25<sup>th</sup> July, 2007, passed by the High Court of Judicature at Allahabad, Lucknow Bench at Lucknow, in Criminal Miscellaneous Case Nos.462/2007 and 390/2007, the appellants have filed these appeals challenging the validity of the said order. By virtue of the impugned order, the applications filed by the appellants under Section 482 of the Criminal Procedure Code had been dismissed by the High Court.

We have heard the learned counsel for the parties at length and upon hearing them, we find that a Suit and a First Appeal are pending on the subject matter of the present litigation and the issue with regard to ownership

of the land in question is yet to be finalised in the said Suit and in the First Appeal.

In the circumstances, we would not like to pass any observation which might adversely affect any of the parties in pending civil litigation.

Suffice it to say at this stage that while rejecting the applications filed under Section 482 Cr.P.C., the High Court had considered certain facts which *prima facie* might not be correct. Some observations with regard to the oral gift (Hiba) have been made which, according to us, are not correct, as we do not find the same in the sale deed which had been executed in favour of the present appellants.

Looking at the aforesaid facts, we are of the view that at this stage no case has been made out against the present appellants for initiating any criminal proceedings. Therefore, we set aside the impugned order so far as the present appellants are concerned and quash the process issued against them and also the charge-sheet filed against the present appellants in pursuance of First Information Report No.332 of 2005 dated 31<sup>st</sup> October, 2005 lodged at Police Station, Wazirganj, District Lucknow.

The appeals are allowed.

The original record is to be returned to the trial court forthwith.

.....J.  
[ANIL R. DAVE]

.....J.  
[AMITAVA ROY]

New Delhi;  
6<sup>th</sup> August, 2015.

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Criminal Appeal No(s).2452/2009

MOHD.KHALID KHAN

Appellant(s)

VERSUS

STATE OF U.P.& ANR.  
(With office report)

Respondent(s)

WITH Cr1.A.No.2453/2009 - (With Office Report)

Date : 06/08/2015 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ANIL R. DAVE

HON'BLE MR. JUSTICE AMITAVA ROY

For Appellant(s) Mr. V.K. Garg, Sr. Adv.  
Mr. Neeraj Kr. Sharma, Adv.  
Mr. Ajay Kr. Singh, Adv.  
Mr. Noopur Dubey, Adv.

For Respondent(s) Mr. Shakil Ahmed Syed, Adv.  
Mr. Mohd. Parvez Dabas, Adv.  
Ms. Uzmi Jameel Husain, Adv.  
Mr. Milan Laskar, Adv.

State Mr. Ranjit Rao, AAG  
Ms. Pragati Neekhara, Adv.  
Mr. Mukul Singh, Adv.

UPON hearing the counsel the Court made the following  
O R D E RThe appeals are allowed in terms of the signed  
Non-reportable Judgment.

Pending application, if any, stands disposed of.

(Sarita Purohit)  
Court Master(Sneh Bala Mehra)  
Assistant Registrar

(Signed Non-reportable Judgment is placed on the file)

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

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For Appellant(s)	Mr. V.K. Garg,adv. Mr. Neeraj Kr. Sharma,Adv. Mr. Ajay Kr. Singh,Adv. Mr. Noopur Dubey,Adv.
For Respondent(s)	Mr. Shakil Ahmed Syed,Adv. Mr. Mohd. Parvez Dabas,Adv. Ms. Uzmi Jameel Husain,Adv. Mr. Milan Laskar,Adv.
State	Mr. Ranjit Rao,AAG Ms. Pragati Neekhara,Adv. Mr. Mukul Singh,Adv.

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