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**(2019) 04 UK CK 0145**

**In the Uttarakhand High Court**

**Case No :** Criminal Miscellaneous Application No. 1198 Of 2013

Iliyas Ahmed

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

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**Date of Decision :** 26-04-2019

**Acts Referred:**

Code Of Criminal Procedure, 1973 — Section 482  
Indian Penal Code, 1860 — Section 420, 467, 468, 471

**Citation :** (2019) 04 UK CK 0145

**Hon'ble Judges :** R. C. Khulbe, J

**Bench :** Single Bench

**Advocate :** J.S. Virk

**Final Decision :** Allowed

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## Judgement

R. C. Khulbe, J

1. This application has been filed under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter to be referred as 'Cr.P.C') by the applicant for quashing the charge sheet and entire criminal proceedings pending in the court of Judicial Magistrate, Rudrapur, District Udham Singh Nagar in criminal case no. 55 of 2013, State vs. Mohammad Hasan and others under Sections 420, 467, 468, 471 of IPC as well as to quash the summoning order dated 13.08.2007.

2. As per the FIR a sale deed was executed on 17.12.2004 by Farjana, wife of Mohd. Iliyas, impersonating herself to be Kamar Jaha, wife of Saleem, in favour of Mohd. Rashid alias Munney, As per the First Information Report, when Saleem approached the revenue authorities in order to take a certified copy of Khatauni, he was astonished to know that in the revenue record name of Mohd. Rashid has been mutated in place of his wife Kamar Jahan, so he lodged an FIR on 18.09.2006 in Police Station Kichcha, which has culminated into submission of charge-sheet against Sagir Ahmad and others. Thereafter additional charge sheet was filed against the present applicant Iliyas Ahmed and Hanji Mohammed Hasan

also, but the present application under Section 482 Cr.P.C. has been filed by Iliyas Ahmed alone for quashing the Criminal Case No. 55 of 2013 State vs. Mohammad Hasan and others under Sections 420, 467, 468, 471 of IPC.

3. When the initial charge sheet was filed against Sagir Ahmad and others they filed criminal misc. application no. 40 of 2008 under Section 482 Cr.P.C. before this Court. The Coordinate Bench of this Court allowed the application on 08.08.2012 and quashed the summoning order dated 18.09.2007 as well as entire proceedings of criminal case no. 3746 of 2007 under Sections 420, 467, 468, 471 IPC pending in the court of Chief Judicial Magistrate, Rudrapur, District Udham Singh Nagar.

4. On the basis of submission of additional charge sheet against Iliyas Ahmad, the learned Magistrate took the cognizance on 13.08.2007 and summoned the present applicant along with Mohammad Hasan.

5. From the perusal of the record, it reveals that the so called sale deed was executed on 17.12.2004 by Farjana, who is the wife of present applicant Mohd. Iliyas, impersonating herself to be Kamar Jahan, wife of Saleem, in favour of Mohd. Rashid alias Munney. When these facts came to the knowledge of Rashid, husband of Kamar Jaha, he lodged an FIR on 18.09.2006 before the Police Station Kichcha.

6. From the perusal of the record, it is clear that present applicant Iliyas Ahmed neither executed any deed nor he was a witness of the sale deed. He did not assign any role in execution of the above so called sale deed. Apart from that, Farjana, who executed the so called sale deed in favour of Mohd. Rashid alias Munney had filed the petition No. 40 of 2008 before this Court and after hearing the applicant, the same was allowed and the impugned summoning order dated 18.09.2007 as well as entire proceedings of criminal case No. 3746 of 2007 under Sections 420, 467, 468, 471 IPC pending in the Court of Chief Judicial Magistrate, Rudrapur District Udham Singh Nagar, have been quashed by the coordinate Bench of this Court.

7. The present applicant had no role to execute the so called sale deed, thus no case is made out against him. Apart from that, a compromise has taken place before the Civil Court in Civil Suit no. 99 of 2006 filed by Kamar Jaha wife of informant-Saleem. In these circumstances the present application filed by the applicant under Section 482 Cr.P.C. is liable to be allowed. Accordingly the present criminal misc. application C-482 is allowed. The entire proceedings pending before the court below are quashed as far as the present applicant (Iliyas Ahmad) is concerned.