

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S). 118/2017

(Arising out of Special Leave Petition (Crl.) No(s).
5186/2016)

DEVENDRI AND ORS.

APPELLANT(S)

VERSUS

STATE OF U.P AND ORS.

RESPONDENT(S)

O R D E R

Heard learned counsel for the parties at this stage finally.

Leave granted.

The appellants herein have been arrayed as accused in FIR dated 08.08.2015 on the basis of which Crime No. 449 of 2015 under Section 420, 467, 468, 506 of the Indian Penal Code, 1860 (for short 'IPC') is registered with Police Station Inccholi, District Meerut. The appellants filed a petition under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of the proceedings arising out of the said FIR, which has been dismissed by the High Court vide impugned judgment dated 01.10.2015, validity and correctness whereof is assailed in the present appeal. According to the appellants,

it is a pure civil matter which is given the colour of criminality just to harass them.

The facts, which are not in dispute, are that one Ranbir, who is the husband of appellant no. 1 and the father of appellant nos. 2 and 3, is in jail and facing trial in a murder case. According to the appellants, because of urgent financial need, Ranbir agreed to sell agricultural land to respondent nos. 3 and 4 who are complainants in the case. As per these complainants, though they had paid the entire consideration, when the matter was presented to the Registrar for registration of sale deed, Ranbir refused to affix his thumb impression on the ground that the entire consideration was not paid.

On the aforesaid basis, the appellants contend that the matter arises out of a civil dispute, i.e. whether the entire consideration was paid by respondent nos. 3 and 4 or not.

After going through the record, prima facie, it appears to be so. In any case, it is not even required to go into this aspect in detail as we are informed that the sale deed has since been registered in favour of respondent nos. 3 and 4. We, thus, quash the proceedings arising out of the aforesaid FIR i.e. Crime No. 449 of 2015. We, however, clarify that in case the appellants and/or Ranbir feel that they have yet to receive the entire consideration, it would be

permissible for them to file a suit for recovery of the amount. Insofar as this Court is concerned, it has not expressed any opinion on the merits of the case i.e. whether any amount is due to Ranbir or full sale consideration has already been paid by the said respondents/complainants.

The appeal is allowed in the aforestated terms.

.....J.
[A.K. SIKRI]

.....J.
[R.K. AGRAWAL]

NEW DELHI;
09.01.2017

ITEM NO.9

COURT NO.8

SECTION II

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

Petition(s) for Special Leave to Appeal (Crl.) No(s). 5186/2016

(Arising out of impugned final judgment and order dated 01/10/2015 in CRMWP No. 20876/2015 passed by the High Court Of Judicature at Allahabad)

DEVENDRI AND ORS.

Petitioner(s)

VERSUS

STATE OF U.P AND ORS.

Respondent(s)

(with appln. (s) for stay and interim relief and office report)

Date : 09/01/2017 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE R.K. AGRAWAL

For Petitioner(s) Ms. Anchal Mehrotra, Adv.
Mr. Ravinder Kumar, Adv.
Dr. Rajeev Sharma, Adv.

For Respondent(s) Mr. Nagendra Singh, Adv.
Mr. Vishwa Pal Singh, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

Pending application(s), if any, stands disposed of accordingly.

(Ashwani Thakur)
COURT MASTER

(Mala Kumari Sharma)
COURT MASTER

(Signed order is placed on the file)