

**REPORTABLE****IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPEAL NO.1627 OF 2026****[@ SPECIAL LEAVE PETITION (CRIMINAL) NO.12517 OF 2025]****NAZIBUL RAHIM KHAN & ORS.****...APPELLANTS****A1: NAZIBUL RAHIM KHAN****A2: JAVED KHAN @ BHULLAN****A3: AJARA KULSUM*****VERSUS*****STATE OF UTTAR PRADESH & ANR.****...RESPONDENTS****R1: STATE OF UTTAR PRADESH****R2: KHATOON JAHAN****O R D E R / R E A S O N S****AHSANUDDIN AMANULLAH & R. MAHADEVAN, JJ.**

Learned counsel for the parties were heard.

2. *Vide* Order dated 25.03.2026, we had granted leave and proceeded to allow this Criminal Appeal with reasoned Order to follow. The instant Order/Reasons completes the said chain.

BACKGROUND:

3. The three appellants before us lay challenge to the Final Judgment and Order dated 09.07.2025 in Application Under Section 482 No.8164 of 2024 (hereinafter referred to as the 'Impugned Judgment') [**2025:AHC-LKO:39155**] passed by a learned Single Judge of the High Court of Judicature at Allahabad, Lucknow Bench. By way of the Impugned Judgment, the application filed by the appellants, seeking quashing of the Chargesheet dated 03.05.2024 arising out of Case Crime No.172 of 2024 and the Order dated 09.08.2024 passed by the learned Chief Judicial Magistrate, Lakhimpur Kheri in Case No.5817 of 2024 (taking cognizance of offences and summoning the applicants to face trial) as well as the entire proceedings, was dismissed.

4. The case has a chequered history and there are multiple cases filed *inter-se* the parties, civil as also criminal in nature. Important dates and events are summarized hereinafter.

5. The respondent no.2 had filed a suit being O.S. No.259 of 2001 for permanent injunction and cancellation of Sale Deed dated 02.02.1996 as also cancellation of Power of Attorney alleging that the appellants no.1 and 2, under a conspiracy, had set up appellant no.3 as an impersonator of the respondent no.2 and had executed a Sale Deed in respect of 13 acres of

land belonging to the respondent no.2 through a forged and fabricated Power of Attorney.

6. The appellant no.1 instituted First Information Report¹ No.378 of 2002 dated 23.07.2002 alleging that his cousin brother Ajamat Ajeem Khan died in the year 1976 leaving behind his widow Khatoon Jahan (not to be confused with namesake respondent no.2) on whom devolved 27 acres of land as per inheritance. Out of the same, Khatoon Jahan sold part of this land in the year 1995 which was also recorded in the concerned mutation entry. It was alleged that the remaining 13 acres of land belonging to the appellant no.1's cousin sister-in-law Khatoon Jahan was sold by the respondent no.2 by impersonating herself as that Khatoon Jahan. OS No.259 of 2001 was decreed *ex parte* on 01.04.2015 (against which the recall application filed by the appellant(s) is still pending before the learned Trial Court).

7. Thereafter, appellant no.3 filed a declaratory suit being Case No.348 of 2002 for declaring her as Khatoon Jahan. However, the same was dismissed for want of compliance on 23.11.2002.

¹ Hereinafter abbreviated to 'FIR'.

8. On 12.02.2003, the police after completing investigation, submitted Chargesheet against respondent no.2 and the other co-accused in FIR No.378 of 2002.

9. On 16.03.2021, the appellants filed an application for recall of the *ex parte* Decree and Judgment dated 01.04.2015 in favour of the respondent no.2 as well as the dismissal for non-prosecution of Case No.348 of 2002 by filing a recall application therefor, both still pending consideration before the concerned Court(s).

10. The respondent no.2 and other co-accused filed a discharge application in the case arising out of FIR No.378 of 2002, which was dismissed by the learned Trial Court on 30.09.2021 and warrants were issued against the accused.

11. The appellants moved the Consolidation Court, Lakhimpur Kheri, seeking mutation of their name in the records in respect of land in the name of sister-in-law of the appellant no.1, i.e., Khatoon Jahan which was dismissed on 09.06.2023 on the ground that there was an *ex parte* decree against them. The appellant no.1 moved the High Court in Matter Under Article 227 No.5042 of 2023 for expeditious disposal of their application for recall of the *ex parte* decree in O.S. No.259 of 2001 dated 01.04.2015, which was disposed of on 10.10.2023 with a direction to the Court

concerned to decide expeditiously and preferably within a period of six months from the next date fixed in the case. The appellants also moved the High Court against the order of the Consolidation Court dated 09.06.2023 in Writ-B No.1000 of 2023, in which notice was issued on 14.12.2023 and is presently pending before the High Court.

12. The appellants moved the High Court in Matter Under Article 227 No.5316 of 2023 for a direction to the Trial Court for expediting Miscellaneous Application No.2 of 2021 filed for recall of order dated 23.11.2002 in Miscellaneous Case No.348 of 2002 which was disposed of by Order dated 17.01.2024, directing the concerned Court to consider the same as expeditiously as possible.

13. In the year 2024, due to non-appearance by respondent no.2 and the other co-accused before the Court in connection with FIR No.378 of 2002, proceedings under Section 82 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the 'Code') were initiated.

14. The present controversy seems to have arisen at this point of time, when respondent no.2 lodged FIR No.172 of 2024 dated 10.03.2024, PS - Gola, District Kheri, Uttar Pradesh under Sections 420, 467, 468, 471 and 506 of the Indian Penal Code, 1860 (hereinafter referred to as the 'IPC') against the appellants alleging that by forging a Power of Attorney

through impersonation and thereafter selling off her land and also for preparing her forged death certificate. The appellants sought quashing of FIR No.172 of 2024 before the High Court by filing Criminal Miscellaneous Writ Petition No.2098 of 2024 in which by Order dated 01.04.2024, they were granted interim protection from arrest. However, the police submitted Chargesheet against the appellants on 03.05.2024. The interim protection granted to the appellants in Criminal Miscellaneous Writ Petition No.2098 of 2024 was extended by Order dated 08.07.2024. The said writ petition is still pending before the High Court. Appellant no.1 also filed FIR No.364 of 2024 on 15.05.2024 at PS - Gola, District - Kheri, Uttar Pradesh under Sections 419, 420, 467, 468 and 471 of the IPC against respondent no.2 and the other co-accused alleging that the cousin sister-in-law of appellant no.1 died in the year 2006 but the respondent no.2 by forging documents and impersonating herself as Khatoon Jahan had sold land to the other co-accused.

15. Chargesheet was filed in FIR No.172 of 2024 against the appellants and by Order dated 09.08.2024, the Trial Court took cognizance and summoned the appellants. Against the said Order of cognizance and summons, the appellants moved the High Court through Application Under Section 482 No.8164 of 2024.

16. On 03.03.2025, the Trial Court issued bailable warrants against the appellants, which was again challenged by the appellants before the High Court by filing Application Under Section 482 No.4181 of 2025, which was disposed of by Order dated 20.05.2025 granting liberty to the appellants to approach the Trial Court and seek bail in terms of the judgments of this Court in ***Satender Kumar Antil v Central Bureau of Investigation, (2022) 10 SCC 51*** and ***Musheer Alam v State of Uttar Pradesh, 2025 SCC OnLine SC 116***.

17. Lastly, the High Court *via* the Impugned judgment dismissed Application Under Section 482 No.8164 of 2024, which has led to the Criminal Appeal in this Court.

APPELLANTS' SUBMISSIONS:

18. Learned counsel for the appellants submitted that from the facts of the present case, the *mala fide* intention and abuse of the process of the Courts is writ large on the conduct of respondent no.2. It was submitted that in the year 2001 itself, respondent no.2 was aware of the Sale Deed dated 02.02.1996 based on a Power of Attorney. She had then moved a civil suit being OS No.259 of 2001 and thus, at the very least from 2001 onwards, the existence of the Power of Attorney in question and the Sale Deed were fully within the knowledge of respondent no.2. Under such

circumstances, learned counsel submitted, the sudden awakening and urge to file a criminal case on the same set of facts much later, only in the year 2024, clearly demonstrates that the same was for oblique reasons, with intention lacking *bona fide* and to exert pressure on the appellants not to pursue their recall application apropos the *ex parte* decree in favour of the respondent no.2 in OS No.259 of 2001 and further to not proceed with the two FIRs lodged by appellant no.1 against respondent no.2. Thus, learned counsel submitted that there is inordinate delay in lodging FIR No.172 of 2024, for which there is no explanation, when she had knowledge of the alleged facts since 2001, at least.

19. It was contended that the appellants had filed FIR No.378 in the year 2002 itself accusing respondent no.2 of impersonating herself as Khatoon Jahan i.e., the wife of the cousin brother of appellant no.1, wherein the police has submitted Chargesheet and despite Summoning Order and arrest warrant, the respondent no.2 and others not appearing led to proceedings under Section 82 of the Code. The contention was that FIR No.172 of 2024 is a direct counter-blast against the appellants. Learned counsel relied upon ***State of Haryana v Bhajan Lal, AIR 1992 SC 604*** in support of quashing of the criminal proceedings. Thereafter, he referred to ***Eastern Spinning Mills v Rajiv Poddar, AIR 1985 SC 1668***

holding that the High Court would interfere in the investigation, if non-interference would result in miscarriage of justice. He also relied upon ***Mohammad Wajid v State of Uttar Pradesh, 2023 INSC 683*** wherein at Paragraph 34, it was stated:

‘34. ... it will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence, are disclosed or not. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under Section 482 of the CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation ...’

20. Assailing the Impugned Judgment, learned counsel summed up his arguments by submitting that in view of the law laid down in ***Mohammad Wajid*** (*supra*), the High Court’s view that commission of cognizable offence by the appellants is *prima facie* made out by the prosecution dissuading that Court from interference, is erroneous. It was prayed that the Appeal be allowed.

R1-STATE’S SUBMISSIONS:

21. *Per contra*, learned counsel for respondent no.1-State of Uttar Pradesh has opposed the appellants’ contentions and filed counter-

affidavit as well. It was urged that the police have conducted investigation and submitted Chargesheet against the appellants, who should face trial. It was submitted that the instant Appeal be dismissed.

R2'S SUBMISSIONS:

22. Learned counsel for respondent no.2 submitted that there is no infirmity in the Impugned Judgment. He submitted that, *first and foremost*, there is no strict limitation in the context of initiation of criminal proceedings *per se*. In the facts of the present case, respondent no.2 is a childless widow aged about 80 years and cannot be expected to be so active and vigilant so as to take recourse to the due process of law contemporaneously. Thus, it was submitted that this Court would not hold against her for instituting an FIR in the year 2024, assuming without admitting it was belated. *Secondly*, it was contented that the High Court rightly relied upon the decision in ***Central Bureau of Investigation v Aryan Singh, (2023) 18 SCC 399***, wherein it was stated that submissions relating to defence of an accused be considered during the trial and while exercising its power under Section 482 of the Code, a High Court is not required to conduct a mini-trial. He summed up by canvassing that no interference is required in the present case and the Appeal be dismissed.

ANALYSIS, REASONING AND CONCLUSION:

23. Having considered the matter in-depth, we find a case for interference has been made out. The undisputed fact is that respondent no.2 had alleged creation of a forged Power of Attorney and use thereof by the appellants in executing Sale Deed in a suit filed by her way back in the year 2001. It is also an admitted position that these are the allegations in FIR No.172 of 2024 filed by respondent no.2 against the appellants. Thus, the stark question which requires to be satisfactorily answered by respondent no.2 in the present case is as to why she did not institute criminal proceedings for about 23 years, at the minimum, from the date on which such alleged crime came to her knowledge. At this juncture, it is important to indicate that it is no longer *res integra* that upon the same cause of action and based on the same set of facts/circumstances, both civil and criminal proceedings can be maintainable [refer **S N Vijayalakshmi v State of Karnataka, 2025 SCC OnLine SC 1575 @ Paragraph 42**]. However, if the aggrieved person wishes to invoke civil as also criminal remedies, there should not be an unreasonable or inordinate gap between instituting the two. The initiation or setting into motion of a civil proceeding indicates that a full-fledged trial is required relating to the veracity of the wrongs allegedly committed by the other side which would have to be in tune or in accordance with law upon evidence being taken by the Court concerned.

24. In other words, it indicates that the aggrieved party also accepts, at least to an extent, that the case involves civil elements. Even after, the aggrieved party is not precluded from invoking criminal law, however, the caveat being the time-factor which can indicate whether the criminal proceedings resorted to are genuine and *bona fide*, and not meant as a pressure tactic on the opposite party(ies) for getting relief(s) which may have been sought in the civil proceedings. The Court, in such situation, will have to minutely and mindfully consider the whole factual gamut and then draw its conclusions.

25. Perusal of the Decree dated 01.04.2015 shows that because there was no evidence adduced on behalf of the appellants, the suit came to be decreed. The Court would note here that written statement/objection was filed on behalf of appellant no.1, in which categorical stand was taken that respondent no.2 i.e., the plaintiff was not Khatoon Jahan, wife of Ajamat Ajeem Khan, the cousin brother of the appellant no.1, but widow of Dareef, resident of Chadiyana Bulandshahar, a different person altogether. We defer from offering our views on the said aspect since the application for recall of the *ex parte* decree is still pending consideration and in case, we

express an opinion, the same could influence the fate of the said application for recall.

26. However, in the above background, taking into consideration the factum that respondent no.2 is a childless widow aged about 80 years, at the time of registering FIR No.172 of 2024, we think it is all the more a reason as to why she is required to satisfactorily explain the reason/s for not instituting a criminal case for all these years, when she had filed O.S. No.259 of 2001 in the year 2001, when she was aged roughly 55 years. Further, as the record indicates, she cannot take the plea of being helpless and aged, inasmuch as she was being assisted in the proceedings by her brother, Mr. Nazakat Ali (PW-2).

27. The Impugned Judgment would, thus, require interdiction at our hands. We are further fortified in our approach by the pronouncement in ***Kishan Singh v Gurpal Singh, (2010) 8 SCC 775***, wherein at Paragraph 22, it was stated by a Bench of 2 learned Judges:

‘22. In cases where there is a delay in lodging an FIR, the court has to look for a plausible explanation for such delay. In the absence of such an explanation, the delay may be fatal. The reason for quashing such proceedings may not be merely that the allegations were an afterthought or had given a coloured version of events. In such cases the court should carefully examine the facts before it for the reason that a frustrated litigant who failed to succeed before the civil court may initiate criminal proceedings just to harass the other side with mala fide intentions or the ulterior

motive of wreaking vengeance on the other party. Chagrined and frustrated litigants should not be permitted to give vent to their frustrations by cheaply invoking the jurisdiction of the criminal court. The court proceedings ought not to be permitted to degenerate into a weapon of harassment and persecution. In such a case, where an FIR is lodged clearly with a view to spite the other party because of a private and personal grudge and to enmesh the other party in long and arduous criminal proceedings, the court may take a view that it amounts to an abuse of the process of law in the facts and circumstances of the case. (Vide Chandrapal Singh v. Maharaj Singh [(1982) 1 SCC 466: 1982 SCC (Cri) 249: AIR 1982 SC 1238]; State of Haryana v. Bhajan Lal [1992 Supp (1) SCC 335: 1992 SCC (Cri) 426: AIR 1992 SC 604]; G. Sagar Suri v. State of U.P. [(2000) 2 SCC 636 : 2000 SCC (Cri) 513: AIR 2000 SC 754]; and Gorige Pentaiah v. State of A.P. [(2008) 12 SCC 531: (2009) 1 SCC (Cri) 446]).'

(emphasis supplied)

28. For the reasons aforesaid, taking into account the overall view of the entire facts and circumstances of the instant case and the discussions made in the preceding paragraphs, the Criminal Appeal is allowed. The Impugned Judgment is set aside; the underlying criminal writ petition is allowed. FIR No.172 of 2024, PS - Gola, District - Kheri dated 10.03.2024 is quashed. All subsequent/consequential actions shall also stand quashed.

29. I. A. No.200931/2025 [Exemption from filing Official Translation(s)]
is allowed; exemption is granted.

30. It is made clear that we have not opined on the merits of the pending
litigations between the private parties. The Courts *in seisin* shall deal with
them in accordance with law without being influenced by the instant Order.

.....J.
[AHSANUDDIN AMANULLAH]

.....J.
[R. MAHADEVAN]

NEW DELHI
MARCH 25, 2026

ITEM NO.16/1

COURT NO.13

SECTION II

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

Petition(s) for Special Leave to Appeal (Crl.) No(s). 12517/2025

[Arising out of impugned final judgment and order dated 09-07-2025 in Application under Section 482 No.8164/2024 passed by the High Court of Judicature at Allahabad, Lucknow Bench]

NAZIBUL RAHIM KHAN & ORS.

Appellant(s)

VERSUS

STATE OF UTTAR PRADESH & ANR.

Respondent(s)

FOR ADMISSION : IA No. 200931/2025 - EXEMPTION FROM FILING O.T.

Date : 25-03-2026 This matter was called for hearing today.

CORAM : HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH
HON'BLE MR. JUSTICE R. MAHADEVAN

For Appellant(s) : Mr. Abhishek Usha Singh, Adv.
Ms. Deeksha Saggi, Adv.
Mr. Rituparn Uniyal, AOR

For Respondent(s) : Mr. Shaurya Sahay, AOR
Mr. Aman Jaiswal, Adv.
Mr. Ashish Singh, Adv.

Ms. Sharvi Sharma, Adv.

Mr. Syed Tamjeed Ahmed, Adv.
Mr. Mohd. Saquib Siddiqui, AOR
Ms. Shanyan Yameen, Adv.
Mr. Bilal Mansoor, Adv.
Ms. Priyanka Singh, Adv.
Mr. Manu Nagar, Adv.
Mr. Abdul Samad Siddiqui, Adv.
Ms. Srishti Kasana, Adv.

O R D E R

Heard learned counsel for the parties.

2. Leave granted.
3. Criminal appeal stands allowed in terms of the reportable signed order.
4. Pending applications, if any, stand disposed of.

(SACHIN KUMAR SRIVASTAVA)
COURT MASTER (SH)

(ANJALI PANWAR)
ASSISTANT REGISTRAR

(Signed order is placed on the file)

ITEM NO.16

COURT NO.13

SECTION II

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Ms. Deeksha Saggi, Adv.
Mr. Rituparn Uniyal, AOR

For Respondent(s) : Mr. Shaurya Sahay, AOR
Mr. Aman Jaiswal, Adv.
Mr. Ashish Singh, Adv.

Ms. Sharvi Sharma, Adv.

Mr. Syed Tamjeed Ahmed, Adv.
Mr. Mohd. Saquib Siddiqui, AOR
Ms. Shanyan Yameen, Adv.
Mr. Bilal Mansoor, Adv.
Ms. Priyanka Singh, Adv.
Mr. Manu Nagar, Adv.
Mr. Abdul Samad Siddiqui, Adv.
Ms. Srishti Kasana, Adv.

O R D E R

Heard learned counsel for the parties.

2. Leave granted.
3. Criminal appeal stands allowed.
4. Reasoned order to follow.

(SACHIN KUMAR SRIVASTAVA)
COURT MASTER (SH)

(ANJALI PANWAR)
ASSISTANT REGISTRAR