



2026:UHC:3553

Judgment Reserved on: 24.03.2026
Judgment Pronounced on: 08.05.2026

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Appeal No.320 of 2024

Rohit SinghalAppellant

Vs.

State of Uttarakhand and AnotherRespondents

With

Criminal Appeal No. 318 of 2024

Rohit SinghalAppellant

Vs.

State of Uttarakhand and Another ...Respondents

Presence: Mr. Piyush Sammal and Ms. Sarita Bisht, learned counsel for the Appellant.
Mr. Vipul Painuly, learned AGA assisted by Mr. Chitrarth Kandpal, learned
Brief Holder for the State.
Mr. Siddhartha Singh, learned counsel for Respondent No.2.

Hon'ble Ashish Naithani, J.

Since both the present criminal appeals arise out of orders dated 28.02.2024 passed by the learned 4th Additional District Judge, Haridwar, upon applications preferred under Section 340 of the Code of Criminal Procedure, 1973, and since both the matters arise from proceedings connected with Civil Misc. Case No.127 of 2013, both the appeals are being heard together and are being decided by this common judgment. However, Criminal Appeal No.320 of 2024 is being treated as the leading matter.

2. Criminal Appeal No.320 of 2024 has been preferred under Section 341 Cr.P.C. against the order dated 28.02.2024 passed by the learned 4th



Additional District Judge, Haridwar, in Criminal Misc. Case No.183 of 2021, whereby the application moved by the Appellant under Section 340 Cr.P.C. came to be rejected.

3. Criminal Appeal No.318 of 2024 has similarly been preferred under Section 341 Cr.P.C. against the order dated 28.02.2024 passed in Criminal Misc. Case No.215 of 2022, whereby another application preferred by the Appellant under Section 340 Cr.P.C. also came to be dismissed.

4. The record reveals that Civil Misc. Case No.127 of 2013, titled as S.P. Gupta Memorial Education Society Vs. Aashish Gupta and Aam Janta, came to be instituted before the learned District Judge, Haridwar. The proceedings pertained to immovable property allegedly connected with S.P. Gupta Memorial Educational Society.

5. According to the case of the Appellant, a registered lease deed dated 18.09.2013 had already been executed in relation to the property in question. It is alleged that despite the existence of the said lease deed and despite being fully aware of the nature and extent of the rights flowing therefrom, proceedings were instituted before the civil court seeking permission in respect of mortgaging the said property for obtaining financial assistance.

6. It is the allegation of the Appellant that during the course of the aforesaid proceedings, false statements were intentionally made before the Court and material facts were deliberately concealed. According to the Appellant, the proceedings before the civil court were pursued on the



basis of misleading assertions relating to the nature of the property and the authority available with the parties in respect thereof.

7. The Appellant further alleges that respondent no.2 and the persons connected with the Society were fully aware of the factual and legal position arising out of the lease deed dated 18.09.2013, yet judicial proceedings were initiated and pursued in a manner which amounted to abuse of the process of the Court and interference with administration of justice.

8. The record further reflects that Civil Misc. Case No.127 of 2013 ultimately came to be dismissed on 28.07.2014 on account of non appearance while granting liberty to withdraw the proceedings.

9. Thereafter, the Appellant instituted proceedings under Section 340 Cr.P.C., alleging commission of offences affecting administration of justice and seeking initiation of proceedings in accordance with law.

10. Criminal Misc. Case No.183 of 2021 was thereafter instituted by the Appellant under Section 340 Cr.P.C. alleging that false statements and concealment of material facts had been made before the civil court in the aforesaid proceedings. Subsequently, Criminal Misc. Case No.215 of 2022 also came to be instituted raising connected allegations arising out of the same set of proceedings.

11. The learned 4th Additional District Judge, Haridwar, upon consideration of the material placed before it, declined to proceed under Section 340 Cr.P.C. and dismissed both the applications vide separate orders dated 28.02.2024.



12. Aggrieved by the aforesaid orders, the present appeals have been preferred under Section 341 Cr.P.C.

13. Heard learned counsel for the parties and perused the records.

14. Learned counsel for the Appellant would submit that the learned Court below failed to properly appreciate the scope of Section 340 Cr.P.C. and mechanically rejected the applications despite sufficient material disclosing offences affecting administration of justice.

15. Learned counsel for the Appellant would contend that Civil Misc. Case No.127 of 2013 was instituted despite full knowledge of the fact that the property in question had already been subjected to a registered lease deed dated 18.09.2013. It is argued that material facts relating to the nature of the rights created under the said lease deed were deliberately concealed from the Court while seeking permission in respect of mortgaging the property.

16. It is further argued that false and misleading assertions were intentionally made before the civil court and that the learned Court below failed to appreciate that even a prima facie case of deliberate concealment and falsehood warranted initiation of proceedings under Section 340 Cr.P.C. Learned counsel would submit that dismissal of the original civil proceedings on account of non-appearance would not wipe out acts allegedly committed during pendency of the proceedings.



17. Learned counsel for the Appellant would further submit that the learned Court below adopted an unduly restrictive approach while considering the applications and failed to examine whether it was expedient in the interest of justice to direct prosecution in light of the material placed on record.

18. Per contra, learned counsel appearing for respondent no.2 would submit that the present proceedings are an attempt to give criminal colour to a civil dispute relating to property and that the learned Court below rightly declined to invoke jurisdiction under Section 340 Cr.P.C.

19. Learned counsel for respondent no.2 would contend that Section 340 Cr.P.C. is required to be exercised sparingly and only where the Court forms an opinion that deliberate falsehood affecting administration of justice has prima facie been established and that prosecution is expedient in the interest of justice.

20. It is argued that the allegations raised by the Appellant pertain to disputed civil issues arising out of the lease deed and related proceedings and do not disclose ingredients warranting prosecution under Section 340 Cr.P.C. Learned counsel would further submit that the original proceedings themselves stood dismissed on 28.07.2014 and the present applications have been instituted with oblique motives.

21. Learned counsel appearing for the State would support the impugned orders and submit that no interference is warranted in exercise of appellate jurisdiction under Section 341 Cr.P.C.



22. This court observes that the appeal arises from rejection of an application under Section 340 Cr.P.C. moved by the Appellant alleging concealment of material facts and deliberate suppression in Civil Misc. Case No.127 of 2013, instituted by S.P. Gupta Memorial Education Society through Smt. Aashi Gupta.

23. The principal allegation of the Appellant is that despite existence of the registered lease deed dated 18.09.2013, proceedings were instituted before the civil court seeking permission in relation to mortgaging the property, though no such right flowed from the lease deed itself. It is further alleged that the relationship between Smt. Aashi Gupta and Aashish Gupta was not disclosed before the Court and that the proceedings were collusive in nature.

24. The scope of Section 340 Cr.P.C. is well settled. Before directing initiation of prosecution, the Court is required to form an opinion, on the basis of material available on record, that (i) an offence affecting administration of justice appears to have been committed, and (ii) it is expedient in the interest of justice that an inquiry should be made. The provision is not intended to be invoked in a routine manner merely because a party alleges falsehood or suppression in pleadings; rather, the Court must be satisfied that the alleged act has a direct bearing on the administration of justice and is of such nature that it calls for prosecution.

25. In the present case, the allegations of the Appellant are primarily founded upon the existence of a registered lease deed dated 18.09.2013



and the assertion that despite such lease, proceedings were instituted before the civil court seeking permission in relation to mortgaging the property. However, the material placed on record does not prima facie establish that any specific false statement, which was demonstrably incorrect to the knowledge of the maker, was made before the Court so as to attract the rigours of Section 340 Cr.P.C.

26. The dispute raised by the Appellant essentially pertains to the interpretation and legal effect of the lease deed and the authority of the parties in respect of the property, which are matters falling within the domain of civil adjudication. Mere non-disclosure of a fact, unless shown to be deliberate and of such nature as to materially mislead the Court, cannot by itself be elevated to an offence affecting administration of justice.

27. It is also pertinent that Civil Misc. Case No.127 of 2013 came to be dismissed on account of non-appearance without any adjudication on merits. Although such dismissal does not ipso facto bar proceedings under Section 340 Cr.P.C., yet in the absence of any finding by the Court that it was misled or that the alleged suppression resulted in a judicial determination being influenced, the element of impact on the administration of justice remains unsubstantiated. The material on record does not indicate that the Court was induced to pass any order on the basis of a false statement or fabricated document so as to necessitate criminal prosecution.

28. The requirement of forming an opinion as to expediency in the interest of justice is not a mere formality. Even where a prima facie case



is arguable, the Court must consider whether prosecution would serve the larger purpose of justice or merely prolong litigation arising out of a private dispute. In the facts of the present case, where the allegations arise out of a property dispute between the parties and are intrinsically linked with civil rights and obligations, initiation of criminal proceedings under Section 340 Cr.P.C. would not advance the cause of justice but would rather convert a civil dispute into collateral criminal litigation. The learned Court below, therefore, cannot be said to have erred in declining to proceed further.

29. Insofar as Criminal Appeal No.318 of 2024 is concerned, the allegations against Aashish Gupta arise from the same civil proceedings and are founded upon the same factual assertions. Therefore, once no ground for interference is made out in the lead matter, the connected appeal also cannot survive independently.

30. On an overall consideration of the record, this Court is of the opinion that the impugned orders dated 28.02.2024 passed by the learned 4th Additional District Judge, Haridwar, do not suffer from any illegality or infirmity warranting interference under Section 341 Cr.P.C.

ORDER

31. Criminal Appeal No.320 of 2024 and Criminal Appeal No.318 of 2024 are **dismissed**.

32. The impugned orders dated 28.02.2024 passed by the learned 4th Additional District Judge, Haridwar, in Criminal Misc. Case No.183 of 2021 and Criminal Misc. Case No.215 of 2022 are affirmed.



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33. Pending applications, if any, stand disposed of.

(Ashish Naithani J.)

08.05.2026

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