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**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**WPCR No. 523 of 2025**

**1** - Hemlal Sonwani S/o Pardeshi Ram Aged About 70 Years R/o Ward No. 3, Bagbahra, Police Station - Bagbahra, Tahsil - Bagbahra, District-Mahasamund Chhattisgarh

**... Petitioner(s)**

**versus**

**1** - State of Chhattisgarh Through The District Magistrate, Mahasamund, District - Mahasamund Chhattisgarh.

**2** - Ghanshyam Soni S/o Late Ramdas Soni Caste - Sonar, R/o Ward No. 24 Subhash Nagar, Mahasamund, Police Station, Tahsil And District - Mahasamund Chhattisgarh (Complainant)

**... Respondent(s)**

(Cause-title taken from Case Information System)

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For Petitioner	:	Shri Gautam Khetrapal, Advocate.
For State	:	Shri Priyank Rathi, Govt. Advocate.
For Respondent No.2	:	Shri B.P. Rao, Advocate.

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**Hon'ble Shri Justice Ramesh Sinha, CJ**

**Hon'ble Shri Justice Ravindra Kumar Agrawal, J**

**Order on Board**

**13.04.2026**

**Per, Ramesh Sinha, CJ.**

**1** The petitioner has filed this petition seeking following reliefs:

“10.1 That, the Hon'ble Court may kindly be pleased to issue an appropriate writ, thereby quashing the impugned order of taking cognizance 09.05.2024 passed in Complaint Case No. 512/2024, whereby the learned Judicial Magistrate First Class, Bagbahra, District-Mahasamund (C.G.) has taken the cognizance of offence

U/s 419, 420, 463 & 467 of Indian Penal Code against the petitioner.

10.2 That, the Hon'ble Court may kindly be pleased to quash the entire proceedings pending in Complaint Case No. 512/2024 before the learned Judicial District-Magistrate First Class, Bagbahra, Mahasamund (C.G.) against the petitioner.

10.3 That, the Hon'ble Court may kindly be pleased to discharge the petitioner from the offence under Section 419, 420, 463 & 467 of Indian Penal Code.

10.4 That, the Hon'ble Court may kindly be pleased to grant any other relief (s) which this Hon'ble Court may deem fit in favour of petitioner may also be granted.”

- 2 Facts of the case are that, the respondent No. 2/complainant alleged that land bearing khasra No. 1/1, Area 192x27 total area 518 sq.ft.. situated at Ward No. 27, Village Lalpur, P.H.No. 66, Thanapara Ward, Bagbahra, District, Mahasamund is the ancestral property of complainant and the same was recorded in the name of his father Ramdas son of Mahadev in municipal records. After death of his father, the said land was recorded in the name of his mother and a temporary house was constructed over some portion of the subject land and remaining land was open. When the complaint along with his mother left the city and went somewhere else for earning livelihood and he could not visit the subject property and in between that period his mother also died. After death of his mother, when the complainant filed an application before the Municipal Council, Bagbahra for recording the subject land in his name, the application was rejected on the ground that the subject land has already been recorded in the name of

petitioner herein on the basis of forged and fabricated document. The petitioner got the subject land mutated in municipal record in his name. After knowledge of same, the complainant made complaint before the Police Station, Bagbahra, but the concerned policy authority did not take any action on the complaint of complainant, therefore he filed complaint case for registration of offences under Sections 420/34, 310,419,463 and 467 IPC. On the basis of complaint, the trial Court recorded preliminary statement of complainant and on the basis of his preliminary statement, vide order dated 09.05.2024 the trial Court took cognizance of offence U/s 419, 420, 463 & 467 of IPC against the petitioner. Hence this petition seeking quashment of entire criminal proceeding pending against the petitioner.

- 3** Learned counsel for the petitioner would submit that during lifetime of mother of complainant, she executed a sale agreement in favour of petitioner with respect to subject land for a sale consideration of Rs. 70,001/- on 15.04.2007 and in pursuance thereof, the complainant's mother already received advance amount of Rs.35,000/- and thereafter on different dates they received remaining amount of Rs.35,000/- and handed over possession of subject land and it was recorded in the name of petitioner and thereafter he is in peaceful possession of the subject land. Further, Civil Suit No.8-A/2023 filed by the complainant with respect to subject land has already been dismissed by Civil Judge (Senior Division), Bagbahra, District Mahasamund, vide judgment and decree dated 04.07.2025. Thus, the complainant is trying to culminate civil proceeding into criminal offence which is not permissible under the provisions of law. Therefore, the entire criminal proceeding be quashed.

- 4 On the other hand, learned counsel for respondents opposes the prayer and submits that there was no registered sale deed between the parties. Agreement to sale before Notary does not have any legal sanctity. The complainant denied execution of agreement dated 15.04.2007 between the parties. He also denied his presence and thumb impression as well as thumb impression of his mother over the alleged agreement. Subsequent transaction and payments are shown to have been added in the alleged agreement dated 15.04.2007 without its attestation by the Notary which also creates doubt. The petitioner has failed to prove his title over the subject land. The complainant had already challenged the order dated 04.07.2025 passed in Civil Suit No.8-A/2023 in an Appeal before the appellate court which is under subjudice and as such the order dated 04.07.2025 have not attained its finality. Therefore, the respondent authorities have rightly taken cognizance against the petitioner which does not required to be interfered with at this stage.
- 5 Having heard the counsel for the parties and having perused the material annexed with the petition, it transpires that there is long standing civil dispute between the parties. The allegation against the petitioner is that in connivance with one Notary he prepared forged and fabricated sale agreement with respect to land belonging to complainant and recorded the subject land in his favour in revenue records. There are allegations and counter allegations by both the parties with respect to subject land and sale agreement. The appeal filed by the complainant against dismissal of his Civil Suit No.8-A/2023 is already under challenge in an Appeal and the same is under subjudice. All these are disputed questions of fact which can be

decided only after leading evidence by the parties. It is settled law that the High Court should not exercise its jurisdiction under Article 226 of the Constitution of India when it raises disputed question of facts.

- 6 Considering the submissions advanced by learned counsel for the parties and also considering the disputed questions of law involved in this writ petition, we do not find any good ground to entertain this writ petition seeking quashment of entire proceeding initiated against the petitioner in Complaint Case No.512 of 2024 and to discharge the petitioner from the offence under Sections 419, 420, 463 & 467 of IPC at this stage.
- 7 Accordingly, the writ petition being devoid of merit is liable to be and is hereby dismissed.

(Ravindra Kumar Agrawal)  
**Judge**

(Ramesh Sinha)  
**Chief Justice**

inder