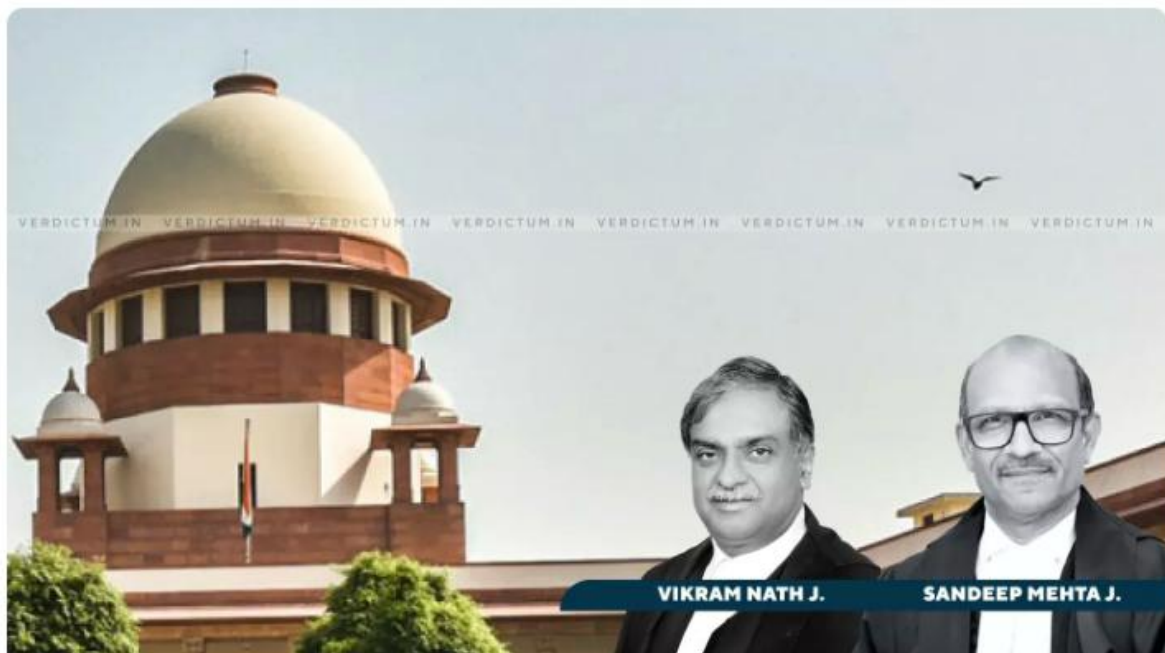


Misused Process Of Criminal Law In Case Which Was Of Purely Civil Nature: Supreme Court Imposes ₹10L Cost On Complainant

The Supreme Court said that the High Court acted with absolute pedantic approach, while disposing of the quashing Petition in the cryptic manner, without even touching the merits of the case.

By Swasti Chaturvedi | 19 July 2025 1:00 PM



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). 9346/2025

[Arising out of impugned judgment and order dated 27-05-2025 in CRMABA No. 496/2025 passed by the High Court of Judicature at Allahabad, Lucknow Bench]

USHA MISHRA

Petitioner(s)

VERSUS

STATE OF U.P. & ANR.

Respondent(s)

(IA No. 149072/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 149074/2025 - EXEMPTION FROM FILING O.T. and IA No. 149071/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 17-09-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE UJJAL BHUYAN
HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Petitioner(s) : Mr. Amit Sangwan, Adv.
Mr. Divyesh Pratap Singh, AOR
Ms. Shivangi Singh, Adv.
Mr. Ashu Bhindwar, Adv.
Mr. Jai Inder Sharma, Adv.
Mr. Jay Veer Yadav, Adv.

For Respondent(s) :

UPON hearing the counsel the Court made the following

O R D E R

1. It appears from a perusal of the office report that respondent No.2, a practicing advocate, at whose instance the subject FIR has been lodged, is evading service.

2. Let bailable warrants to the sum of Rs.10,000 with equal surety be issued to secure the presence of respondent No.2 for 08.10.2025. The Commissioner of Police, Lucknow is directed to

VERDICTUM.IN

execute the bailable warrants. In case respondent No.2 shows any reluctance in accepting notice, it is made clear that his presence will be secured through non-bailable warrants.

3. Respondent No.2 shall also show-cause as to why exemplary cost be not imposed on him for lodging this FIR in 2023 alleging forgery of a sale deed way back on 21.08.1971.

4. It is quite unfortunate that the Allahabad High Court has illogically turned down the prayer for grant of anticipatory bail to the petitioner who is a 71 years old woman, and when she is neither seller nor purchaser nor a witness or the beneficiary of the sale deed dated 21.08.1971. The casual manner in which the impugned order has been passed warrants introspection. We will not say more than this at this stage.

5. Post this matter on 08.10.2025.

6. Meanwhile, the arrest of the petitioner shall remain stayed.

7. There is no requirement of any counter affidavit from the State. The SHO of the police station is directed to produce the original record leading to registration of FIR No.502/2023 and further show cause as to why such proceedings, *prima facie* being an abuse of process of law, be not quashed.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR