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IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
J.K. MAHESHWARI; J., ATUL S. CHANDURKAR; J.
Special Leave Petition (Crl.) No. 3123 of 2026; MAY 12, 2026
SHRIKANT OJHA versus STATE OF UP & ORS.

Criminal Procedure – Stay of Investigation/Charge-sheet – Interim Orders in Writ Jurisdiction – The Supreme Court set aside a High Court’s interim direction that restrained the police from filing a charge-sheet while allowing the investigation to continue - Supreme Court held that while a High Court can exercise discretion to grant protection from coercive steps during the pendency of a petition under Article 226, a blanket stay on filing the report under Section 193(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) is "wholly unjust" when the facts involve repeated fraudulent sale of society lands.

Constitutional Law – Article 226 vs Section 528 BNSS (Section 482 CrPC) – Quashing of FIR – Distinguishing the scope of jurisdiction, the Court observed that so long as cognizance of an offence is not taken, a writ to quash an FIR/charge-sheet can be issued under Article 226 - once a judicial order of taking cognizance intervenes, the power under Article 226 is not available, though the inherent power under Section 528 BNSS (erstwhile Section 482 CrPC) can be invoked to quash the proceedings.

Criminal Administration – Special Investigation Team (SIT) – Land Scams – In view of organized criminal activities involving the forgery of documents and unauthorized sale of a spiritual society's freehold lands across multiple states, Supreme Court directed the constitution of an SIT supervised by the Chief Secretary of Uttar Pradesh - The SIT, including the Registrar of Societies, is mandated to conduct a fact-finding inquiry into the alienation of society lands and submit a report to the police for further action. [Relied on *Pradnya Pranjal Kulkarni v. State of Maharashtra* (2025) SCC Online 1948; *Neeharika Infrastructure (P) Ltd. v. State of Maharashtra* (2021) 19 SCC 401; *Pratibha Manchanda & Anr. Vs. State of Haryana & Anr.* (2023) 8 SCC 181; Paras 14 -19]

[Arising out of impugned final judgment and order dated 06-02-2026 in CRMWP No. 1718/2026 passed by the High Court of Judicature at Allahabad]

For Petitioner(s): Mr. Hemant Shah, Adv. Mr. Molly Aggarwal, Adv. Mr. Nitin Saluja, AOR Ms. Vasudha Singh, Adv. Ms. Pranya Madan, Adv. Mr. Ashutosh Kumar, Adv.

For Respondent(s): Dr. Vijendra Singh, AOR Mr. Sanjay Kumar Dubey, AOR Mr. Rajesh Pathak, Adv.

J U D G M E N T

J.K. MAHESHWARI, J.

1. Leave granted.
2. Being aggrieved by an interim order dated 06.02.2026 of the High Court of Judicature at Allahabad passed in Criminal Misc. Writ Petition No. 1718 of

2026 filed by respondent No. 2 herein, relying upon the judgment of **Pradnya Pranjal Kulkarni v. State of Maharashtra**¹ and directing that investigation may go on but the police report under Section 193(3) of Bharatiya Nagarik Suraksha Sanhita, 2023 (in short 'BNSS') shall not be submitted by the Investigating Officer in Court till the pendency of the present writ petition, the present appeal has been filed by the complainant.

3. The facts unfolded as stated are that Spiritual Regeneration Movement Foundation of India (in short, "Society") is a society registered under the Societies Registration Act, 1860 bearing registration No. S-2366 of 1963 with registered office at Delhi and administrative office at Gautam Budh Nagar, Uttar Pradesh. The said society was set up under the divine guidance of His Holiness Maharishi Mahesh Yogi for dissemination of spiritual upliftment and benefit of the society at large. The said society has freehold immovable properties. As per the description given in the list of dates, one G. Ram Chandramohan has sold the land of the society of villages Devri and Khamaria, Takhtpur, Bilaspur, Chhattisgarh. In June 2011, a complaint of fraud, misrepresentation and forgery by unauthorized group was promptly submitted to the Registrar of Societies. Additionally, Civil Suit No.38-A of 2011 seeking declaration of execution of such sale deeds as unauthorized and void, was filed by the society and same is pending before the Ld. Presiding Officer, District Court Takhtpur, Bilaspur. FIR No. 328/2011 was also registered at Police Station Takhatpur, District Bilaspur, for offences under Sections 429, 420, 465, 467, 468, 471, 167, 212, 217 and 120B of the Indian Penal Code, 1860 (in short 'IPC') against G. Ram Chandramohan and the same is pending for adjudication.

4. On 17.12.2011, the society has also filed CS (OS) No. 3221 of 2011 titled as **Spiritual Regeneration Movement Foundation of India and Ors. Vs. PT. L.N. Sharma & Ors.**, seeking injunction and to restrain unauthorized groups from preparing forged office bearers, which is also now pending in Saket Court on account of change in pecuniary jurisdiction.

5. The High Court in CS (OS) No. 3221/2011 (later renumbered to CS No. 9984/2016) vide order dated 20.12.2011 granted *ex-parte* injunction in favor of the society and directed the parties to maintain status quo with respect to title and possession of the immovable properties of the society till further orders, restraining defendant not to create any third party interest without leave of the Court. A police complaint filed on 07.07.2012 is pending in Police Station Madhu Vihar, Delhi. On 22.11.2014, FIR No. 486/2014 was also registered at Police Station City Kotwali, District Baloda Bazar, Bhatapara under sections 419, 420, 465, 467, 468, 471, 167, 212, 217 and 120B of the IPC against the unauthorized group.

6. In the meantime, Civil Suit filed at Takhtpur, Bilaspur was allowed holding that the society was the owner of the lands that had been illegally and fraudulently sold by unauthorized group of illegitimate office bearers, therefore,

¹ (2025) SCC Online 1948

the sale deeds were declared not binding on the society. High Court of Chhattisgarh in MCRC No. 7232/2018 and MCRC No. 1178/2019 granted bail to G. Ram Chandramohan in connection with FIR No. 328/2011 and FIR No. 468/2014 respectively, though petitions seeking cancellation of bail filed by the society are pending.

7. On account of disposing the property of society, FIR No. 294 of 2023 at PS Noida Sector 39 was registered under Section 420, 467 and 511 of IPC against G. Ram Chandramohan. Another FIR was registered on 20.10.2023 bearing No. 259 of 2023 at Police Station Sunera District Shajapur under Sections 420, 34 and 511 of IPC. Simultaneously, on 11.01.2024, FIR No. 20 of 2024 has also been registered at Police Station Bargi District Jabalpur under Sections 420, 409, 120B and 34 of IPC against G. Ram Chandramohan and Awadesh Pandey. This was based on forged power of attorney and fraudulently disposition of the property of the society. FIR No. 68 of 2024 of Police Station Shajapur has also been registered under Sections 420, 467, 468 and 34 of IPC regarding sale of 199 bigha 8 biswa of land. High Court of Madhya Pradesh in Misc. Criminal Case No. 12972 of 2024 dismissed the quashing petition filed by G. Ram Chandramohan and Awadesh Pandey in connection with FIR No. 20/2024 PS Bargi.

8. Similarly, for disposing the property of society, forgery and cheating, various other litigations are pending against the persons who are usurping the management of the society. For the present case, FIR No. 642 of 2025 in Police Station Noida Sector 39 was registered in addition to FIR No. 294 of 2023 and 152 of 2025 already registered at PS Noida Sector 39. In the FIR it was alleged that G. Ram Chandramohan, Akash Malviya, Pradip Singh on the basis of forged documents sold the land of the society to M/s Singhvahini Infraprojects Private Limited. It is to clarify that respondent No.2 herein along with one Pradip Singh are the directors of M/s Singhvahini Infraprojects Private Limited. In relation to this FIR quashment petition was filed by respondent No. 2 herein before the High Court wherein the impugned order was passed.

9. This Court while issuing notice, initially thought that the lands of Maharishi Mahesh Yogi were government allotted lands given on lease but during the course of hearing it was informed by the appellant that those lands are freehold, and this fact has not been disputed by the counsel representing the State. During the course of hearing, the appellant has strenuously urged that the land of the society was being sold by unauthorized person on the basis of forged documents, and in this regard, various FIRs were registered including the present FIR, i.e. FIR No. 642 of 2025 in the Police Station Noida Sector 39, of which quashment is sought before the High Court by respondent No. 2.

10. After perusal of the contents of the present FIR, it is clear that the earlier two FIR Nos. 294 of 2023 and 152 of 2025 were also registered at the same Police Station against Akash Malviya and G. Ram Chandramohan, even then they disposed the property of the society taking the law in their hand, to M/s Singhvahini Infraprojects Private Limited through its directors Pradip Singh and

Raghvendra Pratap Singh (respondent No. 2). It was indicated in the said FIR that they are further selling the property of society without any permission of the society by using the forged documents.

11. The High Court in the impugned order referred to the judgment of ***Mohd. Imbrahim and Anr. v. State of Bihar***² and ***Jit Vinayak Arolkar v. State of Goa and others***³ to say that where there is a civil dispute there cannot be any criminality and the FIR can be quashed. While issuing notice, arrest was stayed and the investigation was directed to be continued but filing of the chargesheet was restrained relying upon the judgment of ***Pradnya Pranjal Kulkarni (supra)***. However, in the facts where the land of the society is being sold repeatedly, how far the recourse as taken by the High Court is justified is an issue to consider.

12. We have heard the counsel appearing for the parties at length and found that society belonging to Maharishi Mahesh Yogi, holds a huge chunk of land at various places, management of which is in dispute as reflected from the report of Office of Registrar of Society filed by the State in its affidavit. For reference, relevant part of the report is quoted hereunder:

“As per the records available in the file, there seems to be a dispute among two groups of the management of the society namely “The Spiritual Regeneration Movement of India”; one group includes Sh. Ajay Prakash Srivastava while the other includes Sh. Chandra Mohan and others. Hence, as per the records available with this office, the society has two different list of office bearers.”

13. It is further indicated in the affidavit that the matter concerning the said society is currently pending before the High Court of Delhi in W.P.(C) No. 8525/2024. It is a matter of concern to this Court in particular when number of criminal cases on account of selling of the property of the society have been registered at various jurisdiction in different States, and the orders have also been passed by the respective Courts, but those orders are not being duly observed by those groups who are selling the property. Therefore, in such a case wherein by merely referring some judgments of this Court indicating that there is no criminality, interference to what extent is justified by the Court when the FIR is under challenge before it under Article 226.

14. As per the judgment of this Court in the case of ***Neeharika Infrastructure (P) Ltd. v. State of Maharashtra***³, this Court has categorically held in para 29 that: -

“29. Now so far as the legality of the impugned interim order [P. Suresh Kumar v. State of Maharashtra, 2020 SCC OnLine Bom 1711] passed by the High Court directing the investigating agency/police “not to adopt any coercive steps” against the accused is concerned, for the reasons stated hereinbelow, the same is unsustainable:

29.1. That such a blanket interim order passed by the High Court affects the powers of the investigating agency to investigate into the cognizable offences, which otherwise is a statutory right/duty of the police under the relevant provisions of the CrPC.

² (2009) 8 SCC 751

³ (2025 INSC 31)

³ (2021) 19 SCC 401

29.2. That the interim order is a cryptic order.

29.3. That no reasons whatsoever have been assigned by the High Court, while passing such a blanket order of “no coercive steps to be adopted” by the police.

29.4. That it is not clear what the High Court meant by passing the order [P. Suresh Kumar v. State of Maharashtra, 2020 SCC OnLine Bom 1711] of “not to adopt any coercive steps”, as it is clear from the impugned interim order that it was brought to the notice of the High Court that so far as the accused are concerned, they are already protected by the interim protection granted by the learned Sessions Court, and therefore there was no further reason and/or justification for the High Court to pass such an interim order of “no coercive steps to be adopted”. If the High Court meant by passing such an interim order of “no coercive steps” directing the investigating agency/police not to further investigate, in that case, such a blanket order without assigning any reasons whatsoever and without even permitting the investigating agency to further investigate into the allegations of the cognizable offence is otherwise unsustainable. It has affected the right of the investigating agency to investigate into the cognizable offences. While passing such a blanket order, the High Court has not indicated any reasons.

15. In our view, the Court can exercise the discretion for not taking coercive steps till the matter is pending but the direction not to file the charge sheet in reference of judgment in the case of ***Pradnya Pranjal Kulkarni (supra)*** is wholly unjust as the facts of the judgment of ***Pradnya Pranjal Kulkarni (supra)*** are completely on different footing wherein this Court has explained the scope of jurisdiction of the High Court while entertaining the petition under Article 226 of the Constitution. The Court has tried to make a distinction from the fact that the FIR can be challenged under Article 226 in a writ petition but after taking cognizance of the case, the said jurisdiction cannot be invoked though the recourse is permissible under Section 482 of CrPC or 528 of BNSS. The said distinction has been luculently explained thereof, particularly in paragraphs 8, 9, 10 and 11, which are reproduced as under:

“8. However, from the preamble of the writ petition filed by the petitioner before the Bombay High Court, it is evident that the same sought to invoke the twin jurisdiction under Article 226 of the Constitution and Section 528 of the BNSS for having the FIR quashed. It is true that the police report (charge-sheet) had been filed on 14th May, 2025 upon completion of investigation of the FIR, but whether or not cognizance had been taken by the jurisdictional magistrate is not too clear from the impugned order extracted above. So long cognizance of the offence is not taken, a writ or order to quash the FIR/charge-sheet could be issued under Article 226; however, once a judicial order of taking cognizance intervenes, the power under Article 226 though not available to be exercised, power under Section 528, BNSS was available to be exercised to quash not only the FIR/charge-sheet but also the order taking cognizance, provided the same is placed on record along with the requisite pleadings to assail the same and a strong case for such quashing is set up. Significantly, it was reasoned by us in *Neeta Singh (supra)* that a judicial order not being amenable to challenge before a high court under Article 226 of the Constitution and there being no prayer either under Article 227 thereof or Section 482, Cr. PC, the Allahabad High Court was right in holding the writ petition under Article 226 to have been rendered infructuous.

9. However, in the present case, certainly the Division Bench could have examined the grievance of the petitioner for quashing of the FIR together with the charge-sheet following it, as well as the cognizance taking order, if any, since its jurisdiction under Section 528 of the BNSS was also invoked and the relief claimed could have been suitably moulded subject, of course, to the requisite satisfaction of the court that an order of quashing is warranted on

facts and in the circumstances. We have no hesitation to hold that the Division Bench did have the jurisdiction to pass such an order as per the “Sitting List”.

10. Therefore, in our considered opinion, the Division Bench of the Bombay High Court misread Neeta Singh (*supra*), inadvertently omitted to notice the factual dissimilarity as indicated above and consequently, misapplied the ratio of such decision to spurn the challenge laid by the petitioner resulting in a failure of justice.

11. For the reasons aforesaid, the order impugned stands set aside. The special leave petition is disposed of at the admission stage, even without notice to the respondents, by ordering a remand.”

16. However, from the reading of judgment of ***Pradnya Pranjal Kulkarni (supra)***, we do not find any reason to direct stay on filing of the chargesheet under Section 193(3) of the BNSS. Therefore, such direction deserves to be set aside, and the Investigating Officer is directed to complete the investigation and file its report under section 193(3) of the BNSS in connection with FIR No. 642 of 2025 dated 20.12.2025 registered under Sections 318(4), 336(3), 340(2), 61(2) of BNS at Police Station Noida Sector 39, District Gautam Budh Nagar.

17. Considering the fact that various FIR have been registered and the land belonging to society has been sold without the permission of the society frustrating the object and purpose of society, we feel it appropriate that in light of the judgment in the case of ***Pratibha Manchanda & Anr. Vs. State of Haryana & Anr.***⁴ to appoint an SIT for unimpaired and unobstructed investigation and to save the land of society from the clutches of those who are acting contrary to the object and purpose of society for their own benefit. This Court in ***Pratibha Manchanda (supra)*** has observed thus:

“29. Land scams in India have been a persistent issue, involving fraudulent practices and illegal activities related to land acquisition, ownership, and transactions. Scammers often create fake land titles, forge sale deeds, or manipulate land records to show false ownership or an encumbrance-free status. Organised criminal networks often plan and execute these intricate scams, exploiting vulnerable individuals and communities, and resorting to intimidation or threats to force them to vacate their properties. These land scams not only result in financial losses for individuals and investors but also disrupt development projects, erode public trust, and hinder socio-economic progress.

30. While we do not wish to comment further on this issue, we believe it is necessary to foil any trace of organised crime perpetrated by land mafia, through an unimpaired and unobstructed investigation.

35. Given the facts and circumstances of this case, we expand the scope of inquiry in these proceedings and direct the Commissioner of Police, Gurugram to constitute a Special Investigation Team (SIT) to be headed by an officer not below the rank of Dy. Superintendent of Police along with two Inspectors as its members. The SIT shall take over the investigation forthwith. The SIT shall have the liberty to subject Respondent 2, the vendee(s), the Sub-Registrar/officials, or other suspects to custodial interrogation to arrive at a definite conclusion, strictly in accordance with law.”

18. Therefore, we deem it appropriate to direct under the supervision of Chief Secretary of the Uttar Pradesh an SIT to be constituted wherein the Registrar of Societies shall be made one of its members who can disclose the lands

⁴ (2023) 8 SCC 181

belonging to the society concerned and thereafter it should be found out that how the lands belonging to the society have been alienated or transferred to any third party without the permission of the society. The fact-finding enquiry be conducted with respect to the lands already sold by any person other than the original office bearers of the society and the report be handed over to the Police concerned within a period of three months on the basis of which cognizance be taken by the concerned Police Station, if the act of the persons involving is found to be fraudulent involving *mens rea* committing offence. Till the SIT submits its report and the investigation is completed by the Police no coercive action shall be taken against respondent No. 2, but it is directed that all the accused persons shall cooperate in SIT as well as in investigation. It is made clear that the SIT shall deal with all the people at par uninfluenced by unknown force and to maintain the rule of law.

19. Before parting, it is necessary to observe that Spiritual Regeneration Movement Foundation of India was registered as a society for the development of the society at large. After the death of its founder, it was not intended by him that the friction within groups shall lead to fights and the property which was quite valuable, shall be sold for their own interest contrary to the purpose and object. It was also not intended by him that despite pendency of litigation on civil and criminal side, the office bearers of the society shall not have any fear and will continuously involve in selling the property. In our view, the SIT shall look into all aspects and take a holistic view and submit its report, thereby further action of forgery and cheating, if any, be stopped. It is needless to observe that the SIT is at liberty to give an opportunity to the stakeholders prior to submitting the report. The said report be made available to the High Court for its decision in the pending matter after asking the objection and affording an opportunity to the parties. We are not embarking upon the merits of the case since the present appeal is arising out of an interim order.

20. With the above directions, the present appeal is disposed of accordingly. Pending application(s), if any, shall stand disposed of.

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