

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No. _____ OF 2026
(Arising out of SLP(C) No. 9275/2026)

SHAILENDRA AGRAWAL & ANR.

Appellant(s)

VERSUS

ADDITIONAL COLLECTOR AND ADDITIONAL MAGISTRATE & ORS. Respondent(s)

O R D E R

1. Delay in re-filing is condoned.
2. Leave granted.
3. This appeal would call in question the order passed by the Division Bench of the High Court, affirming the order passed by the Single Judge wherein, the appellant(s) had prayed for setting aside of the order passed by the Additional Collector, Kanadia on 22.02.2022 and the FIR being Crime No.153/2022 at Police Station-Kanadia for offences punishable under Sections 406, 420, 467, 468, 120-B and 34 of the Indian Penal Code, 1860 (for short, 'the Act').
4. The High Court has observed that the complaint was filed by the fourth respondent alleging that appellant(s) are selling plots and receiving money without completing the development of the colony. While considering the said complaint, the Additional Collector passed the

order holding that as per the Memorandum of Understanding dated 10.09.2007, the right to sell the plots is only available with the landowner i.e. the fourth respondent therein, and also that the completion certificate has wrongly been obtained from the SDO and the mortgaged plots were fraudulently redeemed. Basing these observations, the Additional Collector also directed for registration of an FIR against the appellant(s).

5. The High Court observed that since an FIR has already been registered, no interference can be made even if the order dated 22.02.2022 of the Additional Collector is treated as without authority or declared illegal.

6. In the counter affidavit dated 27.07.2026 filed by the respondent Nos.1 and 2-State of Madhya Pradesh, it is stated thus in paragraph nos-20 to 23:

"20. It is submitted that upon examination of the material on record, Respondent No. 1 passed the order dated 22.02.2022 in Revenue Case No. 145/B-121/21-22, recording a prima facie finding of fraud and misrepresentation in the procurement of the release of the mortgaged plots, and directing Respondent No. 2 to inform the police authorities so that the criminal law could be set in motion.

21. It is submitted that pursuant to the said order, FIR No. 153/2022 was registered at Police Station Kanadiya on 24.02.2022 for offences under Sections 406, 420, 467, 468, 120-B and 34 of the Indian Penal Code.

22. It is submitted that the Petitioners challenged the order dated 22.02.2022 by way of Writ Petition No. 7754 of 2022 before the Hon'ble High Court of Madhya Pradesh, which came to be dismissed by the learned Single Judge vide order dated 27.01.2025, upholding the action of Respondent No. 1.

23. It is submitted that it may be noted that Respondent No.1 subsequently disposed of Revenue Case No.145/B-121/21-22 vide order dated 07.11.2024, for want of subject-matter jurisdiction over the question of allotment of plots to colony members inter se, which is a matter triable by a civil court and distinct from the commission of the cognizable offences disclosed by the record and independently taken cognizance of by the investigating agency."

7. From the above statement made in the counter affidavit, it is abundantly clear that the gravamen of the application filed by the private respondent(s) before the Additional Collector was concerning release of the mortgaged plots and failure of the appellant(s) to carry out development work, which was rightly found by the State to be a matter triable by the Civil Court, as stated in Paragraph No.23 of the counter affidavit filed by the State of Madhya Pradesh. Once the State is of the view that the dispute between the parties, brought before the Additional Collector, is a matter triable by the Civil Court, the consequent action of the Additional Collector

in lodging the FIR against the appellant(s) has to fail.

8. At this stage, learned Additional Advocate General, Mr. Sridhar Potaraju, appearing for the State, would point out that in the Writ Petition preferred before the Single Judge, the only prayer was for quashing of the order passed by the Additional Collector and not the FIR/Crime Number and it is in this factual position, the High Court has found that once an FIR/Crime Number is registered, quashing of the order passed by the Additional Collector would not set aside the FIR/Crime Number registered for a cognizable offence.

9. In our considered view, once an order passed by the Additional Collector is the basis for registering an FIR/Crime Number and on State's own admission, if that order was without jurisdiction as it involved a civil dispute, the FIR registered on the basis of the said order has to go and the same cannot be continued in the teeth of the admission made by the State.

10. Accordingly, the impugned order is set aside. The appeal stands allowed and it is directed that the FIR being Crime No.153/2022 registered at Police Station-Kanadia is quashed as the same arises out of a civil dispute.

11. Pending application(s), if any, shall stand disposed of.

.....J.
(PRASHANT KUMAR MISHRA)

.....J.
(SHREE CHANDRASHEKHAR)

New Delhi
28.07.2026

ITEM NO.4

COURT NO.13

SECTION IV-C

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 (C) No(s). 9275/2026

[Arising out of impugned final judgment and order dated 31-07-2025 in WA No. 306/2025 passed by the High Court of Madhya Pradesh at Indore]

SHAILENDRA AGRAWAL & ANR.

Petitioner(s)

VERSUS

ADDITIONAL COLLECTOR AND ADDITIONAL MAGISTRATE & ORS. Respondent(s)

(IA No. 27162/2026 - CONDONATION OF DELAY IN REFILEING / CURING THE DEFECTS, IA No. 27155/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 27157/2026 - EXEMPTION FROM FILING O.T. and IA No. 27158/2026 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 28-07-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA
HON'BLE MR. JUSTICE SHREE CHANDRASHEKHAR

For Petitioner(s) :

Mr. Gagan Gupta, Sr. Adv.
Ms. Charu Sangwan, AOR
Mr. Shubham S. Dayma, Adv.
Mr. Vijayant Dalal, Adv.

For Respondent(s) :

Ms. Dharita Malkan, Adv.
Mr. Alok Kumar, Adv.
Mr. Raghaev R, Adv.
Ms. Bhavna Sarkar, AOR

Mr. Sridhar Potaraju, A.A.G.
Mr. Abhimanyu Singh Ga, Adv.
Mr. Harmeet Singh Ruprah, AOR
Mr. Kanishk Sharma, Adv.

Mr. Sridhar Potaraju, A.A.G.
Mr. Abhimanyu Singh, Adv.
Mr. Gautam Singh, Adv.
Mr. Pashupathi Nath Razdan, AOR

UPON hearing the counsel the Court made the following

O R D E R

1. Delay in re-filing is condoned.
2. Leave granted.
3. The appeal is allowed in terms of the signed order.
4. Pending application(s), if any, shall stand disposed of.

(NISHA KHULBEY)
COURT MASTER(SH)

(AKSHAY KUMAR BHORIA)
COURT MASTER(NSH)
(signed order is placed on the file)