IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.799 of 2022
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1. Rajesh Kumar Gupta, aged about 52 years, S/o Bhagwan Das Gupta, R/o Flat No. 4B, Floor No. 10, Kalptaru, Phase-2, Kasid Park, P.O., P.S.- Pimple Gurav & District- Pune (Maharashtra), Pincode-411061.
2. Mayur Gupta, aged about 38 years,
3. Ayush Mohan Gupta, aged about 30 years,
   Both S/o Late Mohan Das Gupta, R/o Flat No. 4b-1003, Kalptaru Estate, Phase-2, Jawalkar Nagar, P.O., P.S.- Pimple Gurav & District- Pune (Maharashtra), Pincode-411061.
4. Prabhanjan Kumar Sinha, aged about 45 years, S/o Lalu Narayan Sinha, R/o Flat No. Mg – 01, Siddhi Vinayak Tower, Aashiyana Garden, Phase-4, Chira Chas, P.O., P.S.- Chas & District-Bokaro.
5. Prem Rai, aged about 50 years, S/o Brij Nandan Rai, R/o Shivpuri Colony, Opposite of SS College, Jodhadih More, P.O., P.S.- Chas & District-Bokaro.
6. Umesh Singh, aged about 52 years, S/o Indraesh Singh, R/o Plot No. GC-11, City Center, Sector-4, Bokaro Steel City, P.O., P.S.- Sector-4 & District-Bokaro.
7. Mahabir Mahato, aged about 62 years, S/o Motilal Mahato, R/o Andhartoliya, P.O.- Dudhigazar, P.S.- Chas & District- Bokaro.
8. Saktipad Mahto, aged about 58 years, S/o Late Chhotey Lal Mahato, R/o Village-Mohubani, P.O.- Ambona, P.S. Govindpur & District-Dhanbad. … Petitioners.

Versus

1. The State of Jharkhand,
2. Gopal Das Gupta, aged about 69 years, S/o Late Ram Das Gupta, R/o Q. No. 7078, Sector- 4/F, Bokaro Steel City, P.O., P.S.- Sector-4 & District Bokaro.

… Opposite Parties

For the Petitioners : Ms. Aprajita Bhardwaj, Advocate.
Mr. Sabi Uddin, Advocate.
For the State : Mr. P.D. Agarwal, Spl.P.P.
For the Opp. Party no.2. : Mr. Indrajit Sinha, Advocate.
Mr. Ajay Kumar Sah, Advocate.
Mr. Rishav Kumar, Advocate.

P R E S E N T
HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

By the Court:- Heard the parties.

2. This Criminal Miscellaneous Petition has been filed invoking the jurisdiction of this Court under Section 482 of the Cr.P.C. with the prayer to quash the entire criminal proceedings in connection with Complaint Case No. 1186 of 2021 including the order taking cognizance dated 03.02.2022 passed by the learned JMFC, Bokaro in connection with Complaint Case No. 1186 of 2021 whereby and whereunder the learned Judicial Magistrate 1st Class, Bokaro has found sufficient material to proceed against the petitioners for having committed the offences punishable under Sections 467, 468, 471, 120B of the Indian Penal Code and passed the summoning order.

3. The brief facts of the case is that the petitioner nos.1, 2 and 3 have sold the land, the ownership of which is claimed by the complainant, to petitioner nos. 4, 5 and 6 by means of forgery and petitioner no.7 drafted the said sale deed which was scribed by the petitioner no.8.

4. It is submitted by the learned counsel for the petitioners by relying upon the judgment of the Hon'ble Supreme Court of India in the case of ***Mohammed Ibrahim and Others versus State of Bihar and Another*** reported in ***(2009) 8 SCC 751*** para 23 of which reads as under:-

> *"23. When we say that execution of a sale deed by a person, purporting to convey a property which is not his, as his property, is not making a false document and therefore not forgery, we should not be understood as holding that such an act can never by a criminal offence. If a person sells a property knowing that it does not belong to him, and thereby*

> *defrauds the person who purchased the property, the person defrauded, that is, the purchaser, may complain that the vendor committed the fraudulent act of cheating. But a third party who is not the purchaser under the deed may not be able to make such complaint." (Emphasis supplied)*

That therein it has been clarified by the Hon'ble Supreme Court of India that execution of a sale deed by a person, purporting to convey a property which is not his, as his property, does not amount to making a false document, thereby not constituting the offence of forgery, vis-à-vis any third party, but the person defrauded by such sale who purchased the property, may complain that vendor committed the fraudulent act, but the third party who is not the purchaser under the deed may not be able to make such complaint. It is submitted that admittedly complainant is not the purchaser of the property and he is the third party to the sale deed executed by the petitioner nos.1, 2 and 3 in favour of the petitioner nos. 4, 5 and 6. Therefore, the offence of forgery, none of the offences punishable under Sections 467, 468, 471 and Section 120B of the Indian Penal Code against the petitioners could be alleged by the complainant.

5. Learned counsel for the petitioners next relies upon the judgment of this Court in the Case of ***Bibhash Chandra Panjiara @ Vibhash Panjiara versus The State of Jharkhand and Another*** passed in ***Cr.M.P. No. 637 of 2021 dated 09.08.2023*** wherein, in the facts of that case, where the petitioner of that case executed sale deed in the excess of the land purchased by him to some person but not the

informant and the persons to whom the land in excess of his entitlement, has allegedly been sold by the petitioners, has no grievance against the petitioner and there was no allegation of impersonation against the petitioner and the petitioner claimed to be the owner of the land in respect of which he has executed the sale deed, this Court quashed the entire criminal proceeding against the petitioner in that case.

6. Learned counsel for the petitioners further submits that the allegations against the petitioners are false and the dispute between the parties is purely a civil dispute. The mother of the petitioner Nos. 1, 2 and 3 was the owner of the property and she had been in possession of the said land as is evident from the mutation receipt, holding tax receipt, Jamabandi certificate. Learned counsel for the petitioners draws attention of this Court to the rejoinder dated 03.02.2023 and submits that the Title (Partition) Case No. 122 of 2011, the complainant was the defendant no.1 and he denied the family settlement upon which, he now relies upon as it suits him and attributes the petitioners of having resorted to dishonest acts. Hence, it is submitted that the prayer as prayed for in this criminal miscellaneous petition be allowed.

7. Learned Special Public Prosecutor as well as learned counsel for the opposite party no.2 on the other hand vehemently oppose the prayer and learned counsel for the opposite party no.2 by drawing attention of the Court to Para-07 of the counter affidavit submits

that the petitioners despite having full knowledge that the said property belonged to the opposite party no.2, entered into a sale transaction of the property of the opposite party no.2. Hence, it is submitted that this criminal miscellaneous petition being without any merit be dismissed.

8. Having heard the submissions made at the Bar and after going through the materials in the record, it is pertinent to mention here that it is a settled principle of law as has been held by the Hon'ble Supreme Court of India in the Case of ***Mohammed Ibrahim & Others versus State of Bihar and Another (Supra)*** that when the execution of a sale deed by a person, purporting to convey a property which is not his, as his property, the same is not making false document, except the purchaser of the property.

9. Now the undisputed fact remains that the complainant is the third party to the transaction of the execution of sale deed between the petitioner nos. 1, 2 and 3 in favour of the petitioner nos.4, 5 and 6 in which the petitioner nos. 7 and 8 were involved respectively for drafting the sale deed and scribed the same which of course is a printed one. In view of this settled principle of law, this Court is of the considered view that since there is no allegation of impersonation against any of the petitioners and the petitioner nos. 1, 2 and 3 claim themselves to be the owner of the property and by claiming thus, they executed the sale deed in favour of the petitioner nos. 4, 5 and 6. The execution of the sale deed will not

amount to forgery *vis-à-vis* the complainant. So, in the absence of the offence of forgery, certainly none of the offences punishable under Sections 467, 468, 471 of the Indian Penal Code is made out against the petitioners, even with the aid of Section 120B of the I.P.C. Therefore, this Court is of the considered view that the continuation of the criminal proceeding against the petitioners will amounts to abuse of process of law. Hence, this is a fit case where the entire criminal proceedings including the order taking cognizance dated 03.02.2022 in connection with complaint case no. 1186 of 2021 is quashed and set aside against the petitioner.

10. Accordingly, the entire criminal proceedings in connection with Complaint Case No. 1186 of 2021 including the order taking cognizance dated 03.02.2022 passed by the learned JMFC, Bokaro in connection with Complaint Case No. 1186 of 2021 is quashed and set aside against the petitioners.

11. In result this criminal miscellaneous petition is **allowed** to the aforesaid extent only.

12. In view of the disposal of this Cr.M.P., pending I.As. if any are disposed of being infructuous.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 18th August, 2026
AFR/ Amar

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