HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal misc. (Petition) No. 2875/2013
CNR: RJHC020152772013 | URN: CRLMP / 4544U / 2013

Ram Pal Son of Shri Ramdhan Pratapgarh, Tehsil Thanagaji, District Alwar

----Petitioner

Versus

1. State Of Rajasthan through PP

----Respondent

2. Kalu Ram Son of Shri Chotha
3. Kilan Son of Shri Chotha

R/o Village Pratapgarh, Tehsil Thanagaji, District Alwar

For Petitioner(s)	:	Ms. Misha Sharma for Mr. Deepak Chauhan
For Respondent(s)	:	Mr. Vijay Singh Yadav, PP Mr. Onkar Singh Rajpurohit, PP

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

24/08/2026

1. Instant misc. petition is filed by petitioner complainant after dismissal of Criminal Revision No. 32/7/11 on 9-6-2011 affirming the order dated 24-11-2009 passed by the Judicial Magistrate, Thanagaji, District Alwar in a matter arising out of FIR No. 32/2007, Police Station Pratapgarh, District Alwar.
2. Considered submissions of learned counsel for the petitioner-complainant and learned public prosecutor. Perused the material placed on record.
3. The facts indicate that on 08-10-2007 the petitioner complainant has filed a criminal complaint alleging that on 5-7-1987 the petitioner has purchased a land from non-

petitioner No. 2 and 3 by way of registered sale deed, but instead of mentioning Khasra No. 856 measuring 1 bigha 4 biswa, a Khasra No. 56 was mentioned. The petitioner has not taken note of the land description mentioned at the time of execution of registered sale deed, but he was handed over possession of Khasra No. 856 and petitioner is in possession of Khasra No. 856, but later the non-petitioners have threatened to disposses petitioner then the petitioner came to know about the forgery and cheating committed by non-petitioners. Non-petitioners have refused to execute a corrigendum deed. The complaint was sent for registration of FIR under Section 156(3) of CrPC and after registration of FIR No. 83/2007 under Section 420, 467, 468 IPC, the matter is investigated and closure report as FR No. 32/2007 was filed on the ground that the matter is of civil nature.

4. The complainant petitioner has filed a protest petition and further recorded the statement under Section 200 and statement of Sita Ram and Jagdish under Section 202 of Cr.P.C. After considering the entire material, the protest petition was dismissed on 24-11-2009. The petitioner has filed a criminal revision No. 32/7/11, which was also dismissed on 09-6-2011 by learned Additional Sessions Judge No. 1, Alwar. The material on record clearly indicate that in 1997 a registered instrument was executed and possession was handed over. Thereafter petitioner came to know about erroneous mentioning of Khasra number. The issue can only be agitated by filing a suit for corrigendum as

non-petitioners are not khatedars of both Khasra No. 856 and Khasra No. 56.

5. A mistake can always be treated as bona fide and non-petitioners cannot take advantage of wrong mentioning of Khasra number in registered sale deed. Once the possession is handed over and registered instrument is executed, then typographical error or wrong mentioning of any numerical number neither vitiates the sale nor the transaction. The petitioner can very well claim his rights on the basis of sale transaction and he cannot be ousted for any reason, but to constitute an offence under Section 420 IPC, it is necessary that there has to be ingredient of cheating from very inception of the contract, but same is missing. Similarly, mentioning of 56 instead of 856 is just a typographical error and a corrigendum is permissible thus the intention of parties has to inferred to transfer khasra no. 856, and it is not a case of forgery.

6. In view of aforesaid, no case for cognizance is made out, and both the courts have not committed any error.

7. Hence misc. petition under Section 482 of Cr.P.C. is hereby dismissed with pending application(s), if any.

8. The petitioner is at liberty to take appropriate remedies under the civil or revenue law.

(ASHOK KUMAR JAIN),J

14/Chetna