

IN THE HIGH COURT AT CALCUTTA

(Criminal Revisional Jurisdiction)

APPELLATE SIDE

Present:

The Hon'ble Justice Shampa Dutt (Paul)

CRR 190 of 2020

Namita Tudu & Ors.

Vs

State of West Bengal & Anr.

For the Petitioners : Mr. Prasanta Kumar Banerjee,
Ms. Indrani Nandi.

For the State : Ms. Puspita Saha.

For the Private Opposite Party No. 2 : Mr. Keshab Chandra Das,
Mr. Tapan Dutta Gupta,
Mr. Biplab Adak.

Heard on : 13.03.2023

Judgment on : 24.04.2023

Shampa Dutt (Paul), J.:

1. The present revision has been preferred praying for quashing of F.I.R. in Pandua P.S. Case No. 411/19 dated 24.12.2019 under Section 467/468/420 of Indian Penal Code (G.R. No. 2210 of 2019).
2. The petitioners case is that the Complainant/Opposite Party No. 2 Basudeb Guin lodged a complaint before the Officer-in-Charge, Pandua Police Station on 06.12.2019 that his father Motilal Guin purchased a piece of land on 13.02.2015 vide Registered Purchase Deed No. 361/15. The land is situated at Mouza – Prasadpur, J.L. No. 85, Hal Dag No. 492.
3. That his father's name was recorded in the record of right and after demise of his father, the petitioner's name has been recorded in the record of right.
4. The Complainant's father also filed a **suit for eviction** against the Petitioners being **Title Suit No. 46 of 2018** before the Learned Civil Judge (Junior Division) at Hooghly Sadar and **the said suit is still pending.**
5. Petitioners herein filed a written objection in Title Suit No. 46 of 2018 wherein they have stated that Petitioners No. 1 & 2 are the owners of the property and they have purchased the land from Monoj Mohan Basu and Saroj Mohan Basu respectively by a Registered Sale Deed being No. 12700 dated 21.12.2017.

6. It is the further case of the complainant that it appears from the records that Saroj Mohan Basu died on 04.03.1994 i.e. before selling of the property which the petitioners allegedly purchased from Monoj Mohan Basu and Saroj Mohan Basu respectively.
7. Petitioner No. 2 signed as a witness in the said sale deed.
8. The Complainant thus lodged a complaint on 06.12.2019 against the Petitioners before the Officer-in-Charge, Pandua Police Station and on the basis of the said complaint, the Officer-in-Charge, Pandua Police Station started a case being Pandua P.S. Case No. 411/19 dated 24.12.2019 under Section 467/468/420 of Indian Penal Code.
9. The petitioners state that the petitioners land and building and Complainant's land is different although it is situated in the same Mouza.
10. The Petitioners state that since **the Petitioners No. 1 and 2 belong to the tribal community and they purchased the land through Registered Sale Deed**, the Complainant is trying to grab the said property, though it is not the Complainant's land. The Complainant's land is situated just adjacent to the Petitioners land.
11. The petitioners state that the Complainant never purchased any land from Monoj Mohan Basu and Saroj Mohan Basu.
12. The petitioners further state that the legal heirs of Monoj Mohan Basu and Saroj Mohan Basu have not filed any complaint against the petitioners.

13. **Mr. P.K. Banerjee, learned counsel for the petitioners** has submitted that the Complainant is a third party and he has no right to file a false complaint against the Petitioners and the Police authority started a case without going into the merits of the case which is baseless and wholly without jurisdiction.
14. That the alleged complaint is otherwise bad and false, and should be thus set aside.
15. **Mr. Keshab Chandra Das, learned counsel for the opposite party no. 2** has submitted that the complainant is the owner of the disputed land and an eviction suit has been filed against the petitioners by him. It is further submitted that the petitioners have forged the deed as the deed was executed on 21.12.2017 by two persons namely Manoj Mohan Basu and Saroj Mohan Basu.
16. But Copy of the Death certificate in the case diary shows that Saroj Mohan Basu expired on 04.03.1994.
17. **Though the dispute between the parties prima facie is civil in nature, the execution of the deed in respect of the property in dispute is challenged, as allegedly one of the Vendors expired 23 years prior to the execution of the deed.**
18. **The petitioners herein admittedly belong to the Scheduled Tribe Community.**
19. The Supreme Court in ***Hitesh Verma vs The State of Uttarakhand & Anr., Criminal Appeal No. 707 of 2020, on November 5, 2020***, held:-

“8. *Against the backdrop of these facts, it is pertinent to refer to the Statement of Objects and Reasons of enactment of the Act. It is provided as under:*

“Despite various measures to improve the socioeconomic conditions of the Scheduled Castes and the Scheduled Tribes, they remain vulnerable. They are denied number of civil rights. They are subjected to various offences, indignities, humiliations and harassment. They have, in several brutal incidents, been deprived of their life and property. Serious crimes are committed against them for various historical, social and economic reasons.

2. Because of the awareness created amongst the Scheduled Castes and the Scheduled Tribes through spread of education, etc., they are trying to assert their rights and this is not being taken very kindly by the others. When they assert their rights and resist practices of untouchability against them or demand statutory minimum wages or refuse to do any bonded and forced labour, the vested interests try to cow them down and terrorise them. When the Scheduled Castes and the Scheduled Tribes try to preserve their selfrespect or honour of their women, they become irritants for the dominant and the mighty. Occupation and cultivation of even the Government allotted land by the Scheduled Castes and the Scheduled Tribes is resented and more often these people become victims of attacks by the vested interests. Of late, there has been an increase in the disturbing trend of commission of certain atrocities like making the Scheduled Caste persons eat inedible substances like human excreta and attacks on and mass killings of helpless Scheduled Castes and the Scheduled Tribes and rape of women belonging to the Scheduled Castes and the Scheduled Tribes. Under the circumstances, the existing laws like the Protection of Civil Rights Act, 1955 and the normal provisions of the Indian Penal Code

have been found to be inadequate to check these crimes. A special Legislation to check and deter crimes against them committed by non-Scheduled Castes and non-Scheduled Tribes has, therefore, become necessary.”

9. *The long title of the Act is to prevent the commission of offences of atrocities against the members of the Scheduled Castes and the Scheduled Tribes, to provide for Special Courts and Exclusive Special Courts for the trial of such offences and for the relief and rehabilitation of the victims of such offences and for matters connected therewith or incidental thereto.*

10. *The Act was enacted to improve the social economic conditions of the vulnerable sections of the society as they have been subjected to various offences such as indignities, humiliations and harassment. They have been deprived of life and property as well. The object of the Act is thus to punish the violators who inflict indignities, humiliations and harassment and commit the offence as defined under Section 3 of the Act. The Act is thus intended to punish the acts of the upper caste against the vulnerable section of the society for the reason that they belong to a particular community.”*

20. The present case is under Sections 467/468/420 of the Indian Penal Code.

21. Section 467 of the Indian Penal Code, lays down:-

“467. Forgery of valuable security, will, etc.—
Whoever forges a document which purports to be a valuable security or a will, or an authority to adopt a son, or which purports to give authority to any person to make or transfer any valuable security, or to receive the principal, interest or dividends thereon, or to receive or deliver any money, movable property, or valuable security, or any document purporting to be an acquittance or receipt acknowledging the payment of money, or an acquittance or receipt for the delivery of any movable property or valuable security, shall be punished with imprisonment for life, or with

imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Ingredients of offence. — *The essential ingredients of the offence under Section 467 are as follows:-*

- (1) Accused committed forgery;*
- (2) He did so by preparation of a forged document or electronic record in the manner provided in Secs. 463 and 464.”*

22. Section 468 of the Indian Penal Code, lays down:-

“468. Forgery for purpose of cheating.—*Whoever commits forgery, intending that the [document or electronic record forged] shall be used for the purpose of cheating, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.*

Ingredients of offence.— *The essential ingredients of the offence under Section 468 are as follows:-*

- (1) There should be a forgery in respect of the document or electronic record in question.*
- (2) The intention of the forgery should be that the forged document or electronic record is to be used for the purpose of cheating.*
- (3) There should be forgery with particular intent.”*

23. Section 420 of the Indian Penal Code, lays down:-

“420. Cheating and dishonestly inducing delivery of property.—*Whoever cheats and thereby dishonestly induces the person deceived to deliver any property to any person, or to make, alter or destroy the whole or any part of a valuable security, or anything which is signed or sealed, and which is capable of being converted into a valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.*

Ingredients of offence.— *The essential ingredients of the offence under Sec. 420 are as follows:-*

- (1) There should be fraudulent or dishonest inducement of a person by deceiving him;
- (2) (a) The person so induced should be intentionally induced to deliver any property to any person or to consent that any person shall retain any property, or
 - (b) The person so induced to do anything which he would not do or omit if he were not so deceived, and
 - (c) In cases covered by second part of clause (a), the act or omission should be one which caused or was likely to cause damage or harm to the person induced in body, mind or property.

The two essential ingredients of the offence under this section are –

- (A) Deceit, that is to say dishonest or fraudulent misrepresentation, and
- (B) Inducing the person deceived to part with property.”

24. The Supreme Court in ***Inder Mohan Goswami & Anr. Vs State of Uttaranchal & Ors., Appeal (Crl.) 1392 of 2007, on 09.10.2007,***
held:-

“The veracity of the facts alleged by the appellants and the respondents can only be ascertained on the basis of evidence and documents by a civil court of competent jurisdiction. The dispute in question is purely of civil nature and respondent no.3 has already instituted a civil suit in the court of Civil Judge. In the facts and circumstances of this case, initiating criminal proceedings by the respondents against the appellants is clearly an abuse of the process of the court. Scope and ambit of courtspowers under section 482 Cr.P.C.

This court in a number of cases has laid down the scope and ambit of courtspowers under section 482 Cr.P.C. Every High Court has inherent power to act ex debito justitiae to do real and substantial justice, for the

administration of which alone it exists, or to prevent abuse of the process of the court. Inherent power under section 482 Cr.P.C. can be exercised:

- (i) to give effect to an order under the Code;*
- (ii) to prevent abuse of the process of court, and*
- (iii) to otherwise secure the ends of justice.*

Inherent powers under section 482 Cr.P.C. though wide have to be exercised sparingly, carefully and with great caution and only when such exercise is justified by the tests specifically laid down in this section itself. Authority of the court exists for the advancement of justice. If any abuse of the process leading to injustice is brought to the notice of the court, then the Court would be justified in preventing injustice by invoking inherent powers in absence of specific provisions in the Statute.

*Discussion of decided cases Reference to the following cases would reveal that the courts have consistently taken the view that they must use this extraordinary power to prevent injustice and secure the ends of justice. The English courts have also used inherent power to achieve the same objective. It is generally agreed that the Crown Court has inherent power to protect its process from abuse. In *Connelly v. DPP* [1964] AC 1254, Lord Devlin stated that where particular criminal proceedings constitute an abuse of process, the court is empowered to refuse to allow the indictment to proceed to trial. Lord Salmon in *DPP v. Humphrys* [1977] AC 1 stressed the importance of the inherent power when he observed that it is only if the prosecution amounts to an abuse of the process of the court and is oppressive and vexatious that the judge has the power to intervene. He further mentioned that the courts power to prevent such abuse is of great constitutional importance and should be jealously preserved.*

In R.P. Kapur v. State of Punjab AIR 1960 SC 866, this court summarized some categories of cases where inherent power can and should be exercised to quash the proceedings:

(i) where it manifestly appears that there is a legal bar against the institution or continuance of the proceedings;

(ii) where the allegations in the first information report or complaint taken at their face value and accepted in their entirety do not constitute the offence alleged;

(iii) where the allegations constitute an offence, but there is no legal evidence adduced or the evidence adduced clearly or manifestly fails to prove the charge.

The powers possessed by the High Court under section 482 of the Code are very wide and the very plenitude of the power requires great caution in its exercise. The court must be careful to see that its decision in exercise of this power is based on sound principles. The inherent power should not be exercised to stifle a legitimate prosecution. The High Court should normally refrain from giving a *prima facie* decision in a case where all the facts are incomplete and hazy; more so, when the evidence has not been collected and produced before the court and the issues involved, whether factual or legal, are of such magnitude that they cannot be seen in their true perspective without sufficient material. Of course, no hard and fast rule can be laid down in regard to cases in which the High Court will exercise its extraordinary jurisdiction of quashing the proceedings at any stage.

This court in **State of Karnataka v. L. Muniswamy & Others** (1977) 2 SCC 699 observed that the wholesome power under section 482 Cr.P.C. entitles the High Court to quash a proceeding when it comes to the conclusion that allowing the proceeding to continue would be an abuse of the process of the court or that the ends of justice require that the proceeding ought to be quashed. The High Courts have been invested with inherent powers, both in civil and criminal matters, to achieve a salutary public purpose. A court proceeding ought not to be permitted to degenerate into a weapon of harassment or persecution. The court observed in this case that ends of justice are higher than the ends of mere law though justice must be administered according to laws made by the legislature. This case has been followed in a large number of subsequent cases of this court and other courts.

In Chandrapal Singh & Others v. Maharaj Singh & Another (1982) 1 SCC 466, in a landlord and tenant matter where criminal proceedings had been initiated, this Court observed in para 1 at page 467 as under:-

A frustrated landlord after having met his Waterloo in the hierarchy of civil courts, has further enmeshed the tenant in a frivolous criminal prosecution which prima facie appears to be an abuse of the process of law. The facts when stated are so telling that the further discussion may appear to be superfluous. The court noticed that the tendency of perjury is very much on the increase. Unless the courts come down heavily upon such persons, the whole judicial process would come to ridicule. The court also observed that chagrined and frustrated litigants should not be permitted to give vent to their frustration by cheaply invoking jurisdiction of the criminal court.

This court in ***Madhavrao Jiwajirao Scindia & Others v. Sambhajirao Chandrojirao Angre & Others*** (1988) 1 SCC 692 observed in **para 7** as under:

7. *The legal position is well settled that when a prosecution at the initial stage is asked to be quashed, the test to be applied by the court is as to whether the uncontroverted allegations as made prima facie establish the offence. It is also for the court to take into consideration any special features which appear in a particular case to consider whether it is expedient and in the interest of justice to permit a prosecution to continue. This is so on the basis that the court cannot be utilized for any oblique purpose and where in the opinion of the court chances of an ultimate conviction is bleak and, therefore, no useful purpose is likely to be served by allowing a criminal prosecution to continue, the court may while taking into consideration the special facts of a case also quash the proceeding even though it may be at a preliminary stage. In *State of Haryana & Others v. Bhajan Lal & Others* 1992 Supp. (1) SCC 335, this court in the backdrop of interpretation of various relevant provisions of the Cr.P.C. under Chapter XIV and of the principles of law enunciated by this court in a series of decisions relating to the exercise of the extraordinary power under Article 226 of the Constitution of India or the inherent powers*

under section 482 Cr.P.C. gave the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of the court or otherwise to secure the ends of justice. Thus, this court made it clear that it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list to myriad kinds of cases wherein such power should be exercised:

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the

concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.

This court in **Janata Dal v. H. S. Chowdhary & Others** (1992) 4 SCC 305 observed thus:

132. The criminal courts are clothed with inherent power to make such orders as may be necessary for the ends of justice. Such power though unrestricted and undefined should not be capriciously or arbitrarily exercised, but should be exercised in appropriate cases, ex debito justitiae to do real and substantial justice for the administration of which alone the courts exist. The powers possessed by the High Court under section 482 of the Code are very wide and the very plentitude of the power requires great caution in its exercise. Courts must be careful to see that its decision in exercise of this power is based on sound principles. In **G. Sagar Suri & Another v. State of UP & Others** (2000) 2 SCC 636, this court observed that it is the duty and obligation of the criminal court to exercise a great deal of caution in issuing the process particularly when matters are essentially of civil nature.

This court in **Roy V.D. v. State of Kerala** (2000) 8 SCC 590 observed thus:-

18. It is well settled that the power under section 482 Cr.P.C has to be exercised by the High Court, inter alia, to prevent abuse of the process of any court or otherwise to secure the ends of justice. Where criminal proceedings are initiated based on illicit material collected on search and arrest which are per se illegal and vitiate not only a conviction and sentence based on such material but also the trial itself, the proceedings cannot be allowed to go on as it cannot but amount to abuse of the process of the court; in such a case not quashing the proceedings would perpetuate abuse of the process of the court resulting in great hardship and injustice to the accused. In our opinion, exercise of

power under section 482 CrPC to quash proceedings in a case like the one on hand, would indeed secure the ends of justice. This court in **Zandu Pharmaceutical Works Ltd. & Others v. Mohd. Sharaful Haque & Another** (2005) 1 SCC 122 observed thus:-

It would be an abuse of process of the court to allow any action which would result in injustice and prevent promotion of justice. In exercise of the powers, court would be justified to quash any proceeding if it finds that initiation/continuance of it amounts to abuse of the process of court or quashing of these proceedings would otherwise serve the ends of justice. When no offence is disclosed by the complaint, the court may examine the question of fact. When a complaint is sought to be quashed, it is permissible to look into the materials to assess what the complainant has alleged and whether any offence is made out even if the allegations are accepted in toto. In Indian Oil Corporation v. NEPC India Ltd. & Others (2006) 6 SCC 736, this court again cautioned about a growing tendency in business circles to convert purely civil disputes into criminal cases. The court noticed the prevalent impression that civil law remedies are time consuming and do not adequately protect the interests of lenders/creditors. The court further observed that any effort to settle civil disputes and claims, which do not involve any criminal offence, by applying pressure through criminal prosecution should be deprecated and discouraged. The question before us is - whether the case of the appellants comes under any of the categories enumerated in Bhajan Lal (supra)? Is it a case where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in entirety, do not make out a case against the accused under Sections 420, 467 and 120B IPC? For determination of the question it becomes relevant to note the nature of the offences alleged against the appellants, the ingredients of the offences and the averments made in the FIR/complaint.”

25. The Supreme Court in **R. Nagender Yadav vs The State of Telangana, Criminal Appeal No. 2290 of 2022, on 15 December, 2022**, held:-

“17. While exercising its jurisdiction under Section 482 of the CrPC, the High Court has to be conscious that this power is to be exercised sparingly and only for the purpose of prevention of abuse of the process of the court or otherwise to secure the ends of justice. Whether a complaint discloses a criminal offence or not, depends upon the nature of the act alleged thereunder. Whether the essential ingredients of a criminal offence are present or not, has to be judged by the High Court. A complaint disclosing civil transaction may also have a criminal texture. But the High Court must see whether the dispute which is in substance of a civil nature is given a cloak of a criminal offence. In such a situation, if civil remedy is available and is in fact adopted, as has happened in the case on hand, the High Court should have quashed the criminal proceeding to prevent abuse of process of court.”

26. **It is the specific case of the petitioners in this case** that as they belong to the Scheduled Tribe community, the complainant who is an adjacent land holder is trying to grab the petitioners property by filing a false case, only to harass the petitioners, who have purchased the property by a registered deed. The fact that the petitioners belong to the Scheduled Tribe community, also raises a suspicion that could the petitioners themselves have been cheated by the vendors. All along it's the petitioners contention that the complainant has no right title and interest in the petitioners property, but is admittedly the owner of the adjacent property.
27. These facts are first, to decided before the Civil Court where a title suit for eviction is pending and the petitioners have also entered appearance before the Civil Court. It is for the Civil Court to first decide the suit taking into consideration all these facts and only on the basis of the

findings of the Civil Court, the complainant may proceed in accordance with law for the relief available to him. **The path to criminal court is always open to the complainant to take recourse but only at the appropriate stage. The vulnerable state of the petitioners calls for a sensitive approach by the Courts and authorities concerned (*Hitesh Verma vs The State of Uttarakhand and Anr. (Supra)*).**

28. The Supreme Court in ***Deepak Gaba and Ors. vs State of Uttar Pradesh and Anr., Criminal Appeal No. 2328 of 2022, on January 02, 2023***, held:-

*“21. We are, therefore, of the opinion that the assertions made in the complaint and the pre-summoning evidence led by respondent no. 2 - complainant fail to establish the conditions and incidence of the penal liability set out under Sections 405, 420, and 471 of the IPC, as the allegations pertain to alleged breach of contractual obligations. **Pertinently, this Court, in a number of cases, has noticed attempts made by parties to invoke jurisdiction of criminal courts, by filing vexatious criminal complaints by camouflaging allegations which were ex facie outrageous or pure civil claims. These attempts are not be entertained and should be dismissed at the threshold.** To avoid prolixity, we would only like to refer to the judgment of this Court in **Thermax Limited and Others v. K.M. Johny (2011) 13 SCC 412**, as it refers to earlier case laws in copious detail. In **Thermax Limited and Others** (Supra), it was pointed that the court should be watchful of the difference between civil and criminal wrongs, though there can be situations where the allegations may constitute both civil and criminal wrongs. The court must cautiously examine the facts to ascertain whether they only constitute a civil wrong, as the ingredients of criminal wrong are missing. A conscious application of the said aspects is required*

by the Magistrate, as a summoning order has grave consequences of setting criminal proceedings in motion. Even though at the stage of issuing process to the accused the Magistrate is not required to record detailed reasons, there should be adequate evidence on record to set the criminal proceedings into motion. The requirement of Section 204 of the Code is that the Magistrate should carefully scrutinize the evidence brought on record. He/she may even put questions to complainant and his/her witnesses when examined under Section 200 of the Code to elicit answers to find out the truth about the allegations. Only upon being satisfied that there is sufficient ground for summoning the accused to stand the trial, summons should be issued. Summoning order is to be passed when the complainant discloses the offence, and when there is material that supports and constitutes essential ingredients of the offence. It should not be passed lightly or as a matter of course. When the violation of law alleged is clearly debatable and doubtful, either on account of paucity and lack of clarity of facts, or on application of law to the facts, the Magistrate must ensure clarification of the ambiguities. Summoning without appreciation of the legal provisions and their application to the facts may result in an innocent being summoned to stand the prosecution/trial. Initiation of prosecution and summoning of the accused to stand trial, apart from monetary loss, sacrifice of time, and effort to prepare a defence, also causes humiliation and disrepute in the society. It results in anxiety of uncertain times.

24. *We must also observe that the High Court, while dismissing the petition filed under Section 482 of the Code, failed to take due notice that criminal proceedings should not be allowed to be initiated when it is manifest that these proceedings have been initiated with ulterior motive of wreaking vengeance and with a view to spite the opposite side due to private or personal grudge. Allegations in the complaint and the pre-summoning evidence on record, when taken on the face value and accepted in entirety, do not constitute the offence alleged. The inherent powers of the court can and should be exercised in such circumstances. When the*

allegations in the complaint are so absurd or inherently improbable, on the basis of which no prudent person can ever reach a just conclusion that there is sufficient wrong for proceeding against the accused, summons should not be issued."

29. **In the present case, there is no materials/evidence to prima facie show that the petitioners have forged the deed. It is the complainant's case that Saroj Mohan died prior to execution of the petitioners deed and an such it is forged. There is no materials to even prima facie show that the petitioners have forged it or even have any knowledge about it.**
30. **As the alleged commission of forgery by the petitioners is prima facie not apparent from the materials on record, the ingredient required for offence under Section 468 IPC (forgery for purpose of cheating) and Section 420 IPC (cheating and dishonestly inducing delivery of property) is also not present to make out a case against the petitioners for the said offence alleged.**
31. **CRR 190 of 2020 is allowed.**
32. The proceeding in Pandua P.S. Case No. 411/19 dated 24.12.2019 under Section 467/468/420 of Indian Penal Code (G.R. No. 2210 of 2019) is quashed in respect of the petitioners herein.
33. **Complainant will be at liberty to proceed in accordance with law at the appropriate stage if the remedy under law becomes available to him.**
34. There will be no order as to costs.

35. All connected Applications stand disposed of.
36. Interim order if any stands vacated.
37. Copy of this judgment be sent to the learned Trial Court forthwith for necessary compliance.
38. Urgent certified website copy of this judgment, if applied for, be supplied expeditiously after complying with all, necessary legal formalities.

(Shampa Dutt (Paul), J.)