IN THE HIGH COURT AT CALCUTTA
Criminal Revisional Jurisdiction
APPELLATE SIDE

Present:

The Hon'ble Justice Shampa Dutt (Paul)

CRR 972 of 2020

Jayanta Kumar Deb Biswas & Anr.

Vs.

The State of West Bengal & Anr.

For the Petitioners	:	Mr. Jayanta Narayan Chatterjee, Ms. Nandini Chatterjee, Mr. Nazir Ahmed, Ms. Jayashree Patra, Ms. Ritushree Banerjee.
For the State	:	Mr. Saswata Gopal Mukherjee, ld. PP Mr. Arijit Ganguly, Mr. Sanjib Kumar Dan.
For the Opposite Party No. 2	:	None.
Heard on	:	21.06.2023
Judgment on	:	12.07.2023

Shampa Dutt (Paul), J.:

1. The present revision has been preferred praying for quashing of the complaint being Complaint Case No. 307 of 2018 dated 12.09.2018 and Charge-Sheet in connection with Netaji Nagar P.S. Case No. 307/2018 dated 12.09.2018 under Sections 467/468/471/406/409/420/323/506/

120B of the Indian Penal Code (ACGR-4409/2018).

2. The petitioners' case is that they are Developers and Contractors.

3. The complainant/opposite party no. 2, Smt. Nibedita Pattanayak, wife of Sri Monoranjan Pattanayak filed an application under Section 156(3) of the Criminal Procedure Code before the Learned Chief Judicial Magistrate at Alipore being Complaint Case No. SL-879 of 2018 against the petitioners, stating therein that she is the owner of the land being Premises No. 226/5/1, N.S.C. Bose Road, P.O.- Regent Estate, P.S. – Netaji Nagar, Kolkata – 700 092, but she takes all decisions of her said property after discussion with her husband Monoranjan Pattanayak and has also given Power of Attorney to her husband to file the criminal case against the accused persons.

4. Her further case is that she had given a contract to construct a building on the said premises to the petitioner no. 1 vide agreement dated 20.03.1997 and also executed a registered Power of Attorney dated 08.05.1997 registered with the office of Registrar of Assurance-III, Kolkata being No. 8 dated 12.05.1997, for smooth construction of building. The petitioner no. 1 is the sole proprietor of M/s. Globe Construction having its office at P-26, Garia Park, P.O. – Garia, P.S. – Patuli, Kolkata – 700 084 and petitioner no. 2 is the brother of petitioner no. 1.

5. Her further case is that the petitioner no. 1 violated the terms and conditions of the contract dated 20.03.1997 because neither did he complete the construction at his own cost nor did he deliver the possession of the entire owner's allocation to the opposite party no. 2 before delivery of possession to the intending purchasers of flats of

developers allocation. The petitioner no. 1 had to complete the construction by spending a huge amount of money.

6. The complainant then revoked the Power of Attorney on 20.08.1998 and the said cancellation of Power of Attorney was intimated to the petitioner no. 1 through her Advocate vide letter dated 20.08.1998. The petitioner no. 1 herein filed a Title Suit being No. 196/1993 in the 5th Court of Learned Civil Judge, Alipore for registration of Sale Deed through Court and in the said suit the petitioner herein had admitted receipt of revocation of Power of Attorney and also admitted that due to revocation of Power of Attorney he was unable to register the Sale Deed although the entire construction of Flat No. 6 was received by the petitioner no. 1 from the petitioner no. 2. **The said Civil Suit is still pending.** The complainant has registered the revocation of Power of Attorney in the office of Additional Registrar of Assurances-III on 25.03.2000 being No. 862 of 2000.

7. After a considerable period, few persons of Punjab National Bank, Bara Bazar Branch, Kolkata came to the complainant's place and put a padlock on the said Flat No. 6 and on being asked, the said persons told that they put the padlock due to non-payment of loan by the petitioner no. 1 and 2 i.e. the accused persons in the said complaint. The complainant thereafter filed a Title Suit being no. 182/2008 before the 5th Court of Learned Civil Judge (Senior Division) at Alipore for recovery of possession of the said flat and other flats and the suit is still pending.

8. In the middle of June, 2018, the petitioner no. 2 entered into Premises No. 226/5/1/N.S.C. Bose Road, Kolkata-700 092 in the absence of the

complainant and her husband and entered Flat No. 6 by breaking upon the padlock put by the Punjab National Bank, Bara Bazar, Kolkata.

9. On 25.06.2018 at about 2.30 p.m. the complainant protested about keeping of cars and motor cycles in front of the garage of complainant. The petitioner no. 2 allegedly assaulted the husband of the complainant and threatened to kill her husband. The said petitioner no. 2 caught the neck of the complainant's husband in order to kill him. Moreover the said person also confined the husband of the complainant inside flat no. 6 wrongly and abused him in filthy languages. The complainant thereafter lodged a complaint against the said person on that day at Netaji Nagar Police Station by G.D. Entry No. 1782 dated 25.06.2018.

10. That she came to know about the execution of the Sale Deed on 25.06.2018 when she and her husband came from the Police Station. The petitioner no. 2 openly disclosed that they do not care about anybody, even the police because they are the owners of Flat No. 6 as they have purchased the same by obtaining loan from Punjab National Bank, Bara Bazar Branch and that the petitioner no. 1 had executed the Sale Deed in their favour.

11. The complainant thereafter searched the Registration Office including the office of A.D.S.R.-I, Kolkata and found that the petitioner no. 1 executed a Sale Deed as Power of Attorney holder of the complainant in favour of the petitioner no. 2 being No.0612 of 2002 at the office of A.D.S.R.-I, Kolkata. The complainant also went to the Punjab national Bank, Bara Bazar Branch and therefrom she came to know that the petitioner no. 2 had fraudulently obtained loan on the basis of a sale

agreement between the petitioner no. 1 and petitioner no. 2 and the Bank provided loan to the petitioner no. 2. Thereafter he deposited the sale deed, but the petitioner herein failed to repay the said loan amount, but also deposited the sale deed which is also a forged one. On the basis of the said documents, the Bank Authority lodged a complaint against all the accused persons i.e. petitioner nos. 1 and 2 before the Bara Bazar Police Station being Bara Bazar P.S. Case No. C-75 dated 26.10.2011.

12. The said accused persons i.e. petitioner nos. 1 and 2 herein allegedly conspired together and made forged document i.e. Sale Agreement and Sale Deed and used it as genuine and thereby cheated the complainant.

13. The petitioners state that the complainant filed a false case before the Learned Additional Chief Judicial Magistrate at Alipore against the petitioners as it reveals that the present case is an outcome and/or a counter case of the case filed by the petitioners in the year 1999. Moreover, the entire dispute is civil in nature. Two Title Suits are also pending before the Leaned Court at Alipore for adjudication on self-same allegations which reveals that the allegations as framed by the complainant are vague and baseless in nature.

14. **The petitioners also filed a Title Suit being No. 196/1999 before the Learned Civil Judge (Senior Division), 5th Court at Alipore for registration of Sale Deed through Court and also cancellation of Power of Attorney in favour of the petitioner no. 1 and the said Title Suit is still pending.**

15. The complainant also filed a Title Suit being No. 183/2008 before the 5th Court of Learned Civil Judge (Senior Division) at Alipore for recovery of possession of said flat and other flats and the said suit is also pending.

16. The petitioner no. 2 had moved an application under Article 226 of the Constitution of India before the Hon'ble High Court at Calcutta challenging the arbitrary and illegal action not to return the Title Deed with regard to the Flat No. 6 measuring about 600 sq. ft. on the first floor of building situated at Premises No. 226/5/1, N.S.C. Bose Road, Police Station-Netaji Nagar, Kolkata-700 092, despite the fact that the petitioner no. 2 have already paid the entire amount settled by and between the petitioner no. 2 and Punjab National Bank with regard to the housing loan given by the Bank to the said petitioner no. 2 and the said writ application was registered as W.P. No. 15588(W) of 2018.

17. On 2nd January, 2019 the aforesaid writ application came up for hearing and after hearing the petitioners and the Learned Advocate for the Bank, the Court was pleased to pass an order by disposing of the aforesaid writ application as follows:-

> *"It is true that when the petitioners have already paid the entire loan amount to the Bank and nothing is outstanding with the Bank they are entitled to the Title Deeds, which were mortgaged to the Bank. The Bank is directed to issue a certificate to the petitioners within a period of two weeks from date stating that the Bank did not have any claim over the property in question and also provide the petitioners, who are already in possession of such property, with the seizure list given by the police authorities in order to substantiate their contention. The Bank shall not interfere with the property and will supply the petitioners all the details of the proceedings pending between the land owners and the developers, in order to enable the petitioners to approach the appropriate authority for return of the Title Deeds.*
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> *With the aforesaid directions, this writ application stands disposed of with the understanding that both the parties shall*

> *cooperate with each other in the matter and with liberty to the petitioners to approach the appropriate police authority/Court at the appropriate time for return of the Title Deeds. Once the Bank supplies the information to the petitioners as also the seizure list, the petitioners shall not disturb the Bank."*

18. Pursuant to the aforesaid order, the police authorities handed over the said Title Deed in respect of the aforesaid flat to the petitioner no. 2 by of taking usual undertakings.

19. **Mr. Jayanta Narayan Chatterjee, learned counsel for the petitioners** has submitted that the entire allegation made by the complainant i.e. opposite party no. 2 is false and baseless and the entire allegation is purely civil in nature.

20. That the entire charge-sheet is bad in law and complaint lodged by the opposite party no. 2 is baseless, only to harass the petitioners she herself has stated in her complaint that she also filed a civil suit on the self-same cause of action.

21. The entire charge-sheet and entire complaint should be quashed in respect of the petitioners.

22. **Mr. Saswata Gopal Mukherjee, learned Public Prosecutor** has placed the case diary.

23. **In spite of due service there is no representation on behalf of the opposite party no. 2.**

24. **From the materials on record it is evident** that there was a development agreement between the parties.

25. The complainant's case is that, allegedly the developer sold flats of the land owner's share prior to the complainant being given the owner's share

in violation of the terms of agreement. The complainant then allegedly revoked the said agreement.

26. The petitioners/developers faced difficulty in selling the flats. They had to approach the Court for getting the flats transferred and registered.

27. On the basis of a complaint filed by the complainant/Nibedita Pattanayak, the case ended in charge sheet against the petitioners under Sections 420/120B of IPC.

28. **From the statements on record including the statement of Manoranjan Pattanayak, husband of the complainant, it appears that they have already taken possession of four flats being flat no. 2 (Ground Floor), 7 & 8 (2nd Floor), 10 (3rd Floor).**

29. The dispute is in respect of flat no. 6, which was purchased by the petitioners' mother and brother, the petitioner no. 2.

30. It is stated that it was taken on loan. The bank took possession in default of payment. On payment of loan, the flat has been handed over to them, though it is alleged by the complainant that forcible possession has been taken.

31. Two Title Suits being 183/2008 and 196/1999 have been filed by the parties against each other and are pending.

32. **Several flat owners in the said property have been examined. They have no complaints against the petitioners regarding their flat ownership.**

33. **Thus, it is evident that the dispute is clearly civil in nature and thus the complainant cannot avail of the criminal forum, without**

there being any prima facie criminal element in the conduct of the petitioners.

34. 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.***
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> *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:*
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> *(i) to give effect to an order under the Code;*
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> *(ii) to prevent abuse of the process of court, and*
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> *(iii) to otherwise secure the ends of justice.*
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> *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.*
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> *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."

35. 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."***

36. 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."*

37. **In the present case,** the essential ingredients of a criminal offence as alleged are not present. The complaint and the materials on record are in substance a dispute of civil nature and as such the proceeding is liable to be quashed.

38. **The revisional application being CRR 972 of 2020 is accordingly allowed.**

39. The proceeding being Complaint Case No. 307 of 2018 dated 12.09.2018 and Charge-Sheet in connection with Netaji Nagar P.S. Case No. 307/2018 dated 12.09.2018 under Sections 467/468/471/406/409/420/323/506/120B of the Indian Penal Code (ACGR-4409/2018), is hereby quashed.

40. No order as to costs.

41. All connected applications, if any, stands disposed of.

42. Interim order, if any, stands vacated.

43. Copy of this judgment be sent to the learned Trial Court for necessary compliance.

44. Urgent certified website copy of this judgment, if applied for, be supplied expeditiously after complying with all, necessary legal formalities.

(Shampa Dutt (Paul), J.)