

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.65 of 2022

Arising Out of PS. Case No.-530 Year-2019 Thana- ARA NAWADA District- Bhojpur

MUNNANGI ALFRED DANIEL @ BISHOP M. A. DANIAL, S/O Late Munnangi Phillip Alfred, Resident of Bishop House 5- 8- 336, Chapel Road, P.S.- Abids, District- Hyderabad, State- Telamgana

... .. Petitioner/s

Versus

1. The State Of Bihar Through Chief Secretary, Govt. Of Bihar, Patna Bihar
2. The District Magistrate, Bhojpur, Ara Bihar
3. The Director General of Police, Bihar, Patna Bihar
4. The Inspector General of Police, Bihar, Patna Bihar
5. The Deputy Inspector General of Police, Shahabad Range, Dehri-On-Sone, Rohtas Bihar
6. The Superintendent of Police, Bhojpur Ara Bihar
7. The Sub-Divisional Police Officer (S.D.P.O.) Sadar Ara, Bhojpur Bihar
8. The officer-Incharge, Ara Nawada, Police Station, District- Bhojpur, Ara, Bhojpur, Ara Bihar
9. The Investigation Officer, Ara Nawada, Police Station, District- Bhojpur, Ara Bihar
10. Vinod Kumar Pandey S/o Gangeshwar Pandey R/o village- Rahathua, P.S.- Brahmpur, District- Baxar. At present R/o Amirchan Kothi, P.S.- Ara Nawada, District- Bhojpur

... .. Respondent/s

with

Criminal Writ Jurisdiction Case No. 127 of 2020

Arising Out of PS. Case No.-530 Year-2019 Thana- ARA NAWADA District- Bhojpur

1. Rev. Alfred Andrews @ Alfred Andrews Son of Late Gladwin Andrews Distt. Superintendent of Shahabad, Ara, Resident of Methodist Hospital, Pratap Sagar, P.S.- Dumraon, Distt.- Buxar.
2. Michal Paul Son of Late Prem Sukh Resident of Lucknow Publishing House 37, Cantonment Road, Lucknow, P.S.- Cant Lucknow, Distt.- Lucknow.
3. Rev. Newton. M. Parmar Son of Late Manilal Resident of Methodist Centre 21, Y.M.C.A. Road, Mumbai Central, Police Station-Mumbai Central, District-Mumbai-400008.
4. Manzar Masih Son of Late Matadin Masih Resident of Village-Methodist Church Centre Simri, Police Station-Simari, District-Buxar.

... .. Petitioner/s

Versus



1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna. Patna.
2. The District magistrate, Bhojpur, Ara, Bihar
3. The Director General of Police, Bihar, Patna. Bihar
4. The Inspector General of Police, Patna. Bihar
5. The Deputy Inspector General of Police, Shahabad Range Dehri-on-Sone, Rohtas. Bihar
6. The Superintendent of Police, Bhojpur, Ara. Bihar
7. The Sub Divisional Police officer (S.D.P.O.), Sadar Ara, Bhojpur. Bihar
8. Officer-incharge, Ara Nawada, police Station, District- Bhojpur, Ara. Bhojpur, Ara.
9. The Investigation Officer, Ara Nawada, Police Station, District-Bhojpur. Bhojpur.
10. Vinod Kumar Pandey Son of Gangeshwar Pandey Resident of Village -Rahathua, P.S.- Brahmpur, Distt.- Buxar, At Present resident of Amirchan Kothi, P.S.- Ara Nawada, Distt.- Bhojpur.

... .. Respondent/s

Appearance :

(In Criminal Writ Jurisdiction Case No. 65 of 2022)

For the Petitioner/s : Mrs. Sudha Ambastha, Advocate

For the Respondent/s : Md. Harun Quareshi, AC to SC-01

(In Criminal Writ Jurisdiction Case No. 127 of 2020)

For the Petitioner/s : Mr. Rajendra Narain, Sr. Advocate

Mr. Makardhwaj Upadhyay, Advocate

For the State : Mr. Suman Kumar Jha, AC to AAG-3

For Respondent no. 10 : None.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 09-10-2025

In both the petitions, relief sought for is common and interrelated, as such, they have been taken up together and are being disposed of by this common judgment.

2. Heard learned senior counsel appearing on behalf of the petitioners of Cr.W.J.C. No. 127 of 2020, learned counsel appearing on behalf of the petitioner of Cr.W.J.C. 65 of 2022 and learned counsel for the State-respondents.



3. However, despite repeated opportunities, none appeared on behalf of private respondent no.10.

4. Both the petitions have been filed by the petitioners for quashing the First Information Report in connection with Ara Nawada P.S. Case No. 530/2019 (G.R.No. 3222/2019) registered on 15.07.2019 under Sections 406 and 420/34 of the Indian Penal Code.

5. Brief facts of the case are that on 15.07.2019, the informant Binod Kumar Pandey made his written complaint before the Officer-in-charge of Ara Nawada Police Station alleging therein that the authorities of Methodist Church in India have announced that they wanted to sell 30 *Katha* (94 decimals approx) of land situated in Chandwa Kothi. Thereafter, on 02.09.2013, an agreement was prepared with regard to sale of the aforesaid land @ Rs.55,000/-per decimal for which total consideration amount was fixed as Rs.51,70,000/-. The informant paid total consideration amount of Rs.51,70,000/- for purchase of 30 *Katha* of land. Subsequently, total 26 *Katha* of land by way of 16 sale deeds was executed in favour of the informant. For transfer of remaining 4 *Katha*, the accused persons did not take any step. Although with the intervention of others, co-accused Alfred Andrews and Shri Manjar Masih got



prepared two sale deeds for sale of four *Katha* of land, however, they did not present themselves before the Registrar for registration of the said two deeds. Thus, 4 *Katha* of lands could not be registered in favour of the informant, though the accused persons received the total consideration amount.

6. It is further alleged that on 08th July 2019, when the informant had been standing near Amirchand Kothi on a road, a Scorpio vehicle stopped in front of him and the driver of the said vehicle came to the informant and asked his name. When the informant told the driver his name, the driver told him that the persons sitting in the vehicle were calling him. The informant then went to meet them and found that petitioner, namely Alfred Andrews along with two unknown persons sitting in the vehicle, upon seeing the informant they told him to return the original documents otherwise he would be blown to pieces. Furthermore, it is alleged by the informant that they made him to talk to one Nirmal Michael Paul over mobile who again threatened the informant saying that if he wanted to keep his family safe then he should return the two unregistered deeds.

7. On the basis of written report of the informant, Ara Nawada P.S. Case No.530/2019 under Sections 406 and 420/34 of the Indian Penal Code was instituted and immediately



thereafter investigation of the case was taken by the police.

8. Mr. Rajendra Narain, learned senior counsel, appearing on behalf of the petitioners submits that as far as the petitioner of Cr.W.J.C. No. 65 of 2022 is concerned, no allegations have been made against him in the entire FIR and the allegations against the petitioners of Cr.W.J.C. No. 127 of 2020 are completely false, frivolous, vexatious and made with sole purpose of pressurizing the petitioners and his organization. The learned senior counsel further submits that the petitioners of Cr.W.J.C. No. 127 of 2020 are members of the sale/development of Lease Committee of Lucknow Regional Conference of Methodist Church in India. The learned senior counsel further submits that in a meeting of the said Committee, a decision was taken to sell 30 *Katha*/94 decimals @ Rs.55,000/-per decimal in favour of the informant and pursuant thereto a power of attorney was issued by the petitioner of Cr.W.J.C. No. 65 of 2022, who was the then General Secretary of said Committee in favour of the petitioners of Cr.W.J.C. No. 127 of 2020 namely Rev. Alfred Andrews @ Alfred Andrews and Manzar Masih to sell the said land.

9. The learned senior counsel further submits that after payment of the consideration amount, the informant



himself deviated from the minutes of the meeting as a total of 26 *kathas* of land was executed in favour of informant by way of sale deeds and soon thereafter the informant illegally took physical possession of 32 *kathas* of land instead of the 26 *kathas* and, therefore, the petitioners on their part have not deviated from 30 *kathas* and it is the informant himself who took possession of 32 *kathas* of land, i.e., two *kathas* of land in excess of the agreement.

10. The learned senior counsel further submits that the instant case relates to part performance and is purely a civil dispute and the informant is trying to give the same dispute a criminal color. He further submits that there is nothing in the entire FIR to make out a case under Sections 420, 406 of the IPC. The learned senior counsel further submits that till date charge sheet has not been submitted.

11. The learned senior counsel next submits that the informant is a habitual litigant and it is his *modus operandi* to file false and frivolous cases in the matters relating to land deals/transactions for the sole purpose to grab more land of the vendee and to harass his opponents. To corroborate this averment, he draws this Courts' attention to an order passed by a Coordinate Bench of this Court in Cr. Misc. No. 61855 of 2018.



12. Thus, learned senior counsel submits that allowing the prosecution to continue would amount to an abuse of the process of the Court and, hence, the FIR may be quashed.

13. The learned counsel appearing on behalf of the petitioner in Cr.W.J.C. No. 65 of 2022 adopted the arguments of learned senior counsel and reiterated that there is no allegation against the petitioner of Cr.W.J.C. No. 65 of 2022 in the entire FIR.

14. The learned counsel appearing on behalf of the State respondent submits that after the institution of the instant FIR, the police investigated the matter and the case has been found true against all the named accused persons. The learned counsel further submits that during the supervision of the then Superintendent of Police, Bhojpur, the case has been found true against petitioners namely Rev. Alfred Andrews @ Alfred Andrews and Manzar Masih and under Sections 420, 406, 506, and 34 of the IPC and for the rest named accused persons, a detailed further investigation is needed. Thus, learned counsel submits that no interference in the matter is required by this Court.

15. I have given my thoughtful consideration to the rival submission of the parties and perused the materials



available on record.

16. From bare perusal of the FIR, it appears that the grievance of the informant is towards non-compliance of contractual obligation by the petitioners. Hence, the dispute appears to be civil in nature and so far as the allegation of extending threatens is concerned, the offence for the same has not been incorporated in the instant FIR. Moreover, the allegation with regard to threatening appears to be ornamental and afterthought, as no report in this regard was given to the police immediately after the occurrence as the occurrence took place lastly on 08.07.2019, but the written report on which FIR was registered was submitted by the informant on 15.07.2019, i.e., after inordinate delay of seven days, for which there is no explanation.

17. So far as main offences under Sections 420 and 406 IPC are concerned, learned senior counsel appearing on behalf of the petitioners appears to be right in his submission that even if the entire allegations made in the FIR are accepted at their face value, none of the ingredients of the offences would be attracted.

18. Section 406 of the IPC prescribes punishment for the criminal breach of trust. The offence of criminal breach of



trust is defined under Section 405 of the IPC. Section 405 of the IPC provides that whoever, being in any manner entrusted with property, or with any dominion over property, dishonestly misappropriates or converts to his own use that property, or dishonestly uses or disposes of that property in violation of any direction of law prescribing the mode in which such trust is to be discharged, or of any legal contract, express or implied, which he has made touching the discharge of such trust, or willfully suffers any other person so to do, commits “criminal breach of trust”.

19. As seen above, the essential ingredients in order to constitute an offence of criminal breach of trust is entrusting a person with property or with any dominion over the property and that the person entrusted dishonestly misappropriated or converted that property to his own use.

20. Similarly, Section 420 of the IPC provides punishment for the offence of cheating and dishonestly inducing delivery of property. The offence of cheating is defined under Section 415 of the IPC. It provides that whoever, by deceiving any person, fraudulently or dishonestly induces the person so deceived to deliver any property to any person, or to consent that any person shall retain any property, or intentionally



induces the person so deceived to do or omit to do anything which he would not do or omit if he were not so deceived, and which act or omission causes or is likely to cause damage or harm to that person in body, mind, reputation or property, is said to “cheat”.

21. Therefore, to hold a person guilty of cheating as defined under Section 415 of the IPC, it is necessary to show that he had fraudulent or dishonest intention at the time of making the promise with an intention to retain the property. It further requires deception of any person inducing that person to deliver any property to any person or that any person shall retain any property by intentionally inducing that person to do or omit to do anything.

22. The Hon’ble Supreme Court in the celebrated judgment of **State of Haryana and Others Vs. Bhajan Lal and Others, 1992 Supp (1) Supreme Court Cases 335** in para 102 has held as:

“102. In the backdrop of the interpretation of the various relevant provisions of the Code 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 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following



categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though 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 of 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 informant 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 persons 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.”

23. In the present case, allowing the criminal proceedings to take place and the petitioners to appear for trial would be sheer abuse of process of law and the case of the petitioners would be squarely covered under the guidelines enumerated by the Hon'ble Supreme Court in the case of ***Bhajan Lal*** (supra).

24. Further, the Hon'ble Supreme Court in the case of ***Ganga Dhar Kalita v. State of Assam, (2015) 9 SCC 647*** in



paragraph 10 held as under:-

“10.No doubt, where the criminal complaints are filed in respect of property disputes civil in nature only to harass the accused, and to pressurise him in the civil litigation pending, and there is prima facie abuse of process of law, it is well within the jurisdiction of the High Court to exercise its powers under Section 482 of the Code to quash the criminal proceedings. However, the powers under the section are required to be exercised sparingly. In Kamaladevi Agarwal v. State of W.B. [(2002) 1 SCC 555 : 2002 SCC (Cri) 200] this Court has observed as under: (SCC pp. 559-60, para 7)

“7. This Court has consistently held that the revisional or inherent powers of quashing the proceedings at the initial stage should be exercised sparingly and only where the allegations made in the complaint or the FIR, even if taken at their face value and accepted in entirety, do not prima facie disclose the commission of an offence. Disputed and controversial facts cannot be made the basis for the exercise of the jurisdiction.”

25. Further, Hon’ble Supreme Court in the case of ***Ankul Singh Vs. State of U.P. & Anr. in Cr. Appeal No. 4250 of 2025*** held in paragraph 21 as under:

“21. The High Court, in refusing to quash the proceedings, misdirected itself in law by failing to apply the ratio laid down in Bhajan Lal, and the subsequent authorities referred to above, which uniformly hold that the machinery of criminal law cannot



be permitted to be misused for settling civil disputes or to wreak vengeance.”

26. In the light of aforesaid discussion as well as law laid down by the Hon’ble Supreme Court, I am of the considered opinion that the present criminal proceeding appears to be manifestly attended with *mala fide* and the same is maliciously instituted with an ulterior motive for settling civil disputes giving criminal colour to a purely civil dispute. Hence, allowing the prosecution to continue would amount to an abuse of the process of the Court. Therefore, the FIR with consequent proceeding in connection with Ara Nawada P.S. Case No. 530/2019 is hereby quashed *qua* the petitioners.

27. Accordingly, both the writ petitions are allowed.

(Arun Kumar Jha, J)

V.K.Pandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.10.2025
Transmission Date	13.10.2025

