IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No. 503 of 2023

1. Puran Kumar Mahato, aged about 44 years, S/o Late Badri Mahato, resident of Brirajpur, P.O. –Kharkhari, P.s. –Madhuban, District – Dhanbad, Jharkhand.
2. Namita Kumari, aged about 23 years, D/o Ruplal Saw, W/o Ranjan Mahato, resident of Birajpur, P.O. –Kharkhari, P.S. –Madhuban, District –Dhanbad, Jharkhand.
3. Raju Saw, aged about 45 years, son of Bhajan Teli, R/o Ramnagar Garh, P.O. Ramnagar Garh, P.S. –Maduda, District –Dhanbad, Jharkhand.

.... Petitioner

Versus

1. The State of Jharkhand
2. Nehal Chandra Mahato, son of Late Tulu Mahato, resident of Telmacchho, P.O. –Ramnagargarh, P.S. –Mahuda, District – Dhanbad, Jharkhand. …. Opp. Parties

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

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For the Petitioners : Mr. Raj Nandan Chatterjee, Advocate
: Ms. Priya Saw, Advocate
For the State : Mr. V.K. Vashistha, Spl. P.P.
For the O.P. No.2 : Mr. A.K. Sahani, Advocate
: Mr. Sanket Kumar, Advocate
: Mr. Pankaj Verma, Advocate

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By the Court:-

1. Heard the parties.

2. This criminal miscellaneous petition has been filed invoking the jurisdiction of this Court under Section 482 of the Code of Criminal Procedure with the prayer to quash the entire criminal proceeding including the order dated 05.12.2022, passed by the learned Judicial Magistrate -1st Class, Dhanbad in C.P. Case No.

2476 of 2018 whereby and where under cognizance has been taken for the offences punishable under Section 420/120B/467/468/ 471/34 of the Indian Penal Code and Section 82 of the Registration Act.

3. The allegation against the petitioners is that the petitioner nos. 1 & 2 purchased the property belonging to the complainant, from the co-accused persons, who have been cited as accused nos. 1 to 5 of the complaint, on the basis of the fabricated documents and forged genealogical table and got the said land registered in the office of Sub-Registrar of District Dhanbad.

4. It is submitted by the learned counsel for the petitioner relying upon the Judgment of Hon'ble Supreme Court of India in the case of **Md. Ibrahim & Ors. Vs. State of Bihar & Anr.**, reported in **(2009) 8 SCC 751** that in para-20 and 23 thereof, it has categorically been mentioned by the Hon'ble Supreme Court of India that if a person sells a property knowing that it does not belonged to him and thereby defrauds the person, who purchased the property, then the person defrauded i.e. the purchaser may complain that the vendor has committed fraudulent act of cheating but a third party who is not the purchaser under the deed may not be able to make such complaint. It is next submitted by the learned counsel for the petitioners that this Court in the case of **Sharda Nand Chaubey & Ors. Vs. The State of Jharkhand & Anr.**, reported in **2023:JHHC:41452**, in the facts of that case where the petitioners before this Court purchased the land

belonging to the complainant-informant from the co-accused person, quashed the criminal proceeding against them. Hence, it is submitted that the prayer as prayed for by the petitioners in this criminal miscellaneous petition be allowed.

5. The learned Special P.P. and the learned counsel for the opposite party no.2 on the other hand vehemently opposes the prayer as prayed for by the petitioners in this criminal miscellaneous petition and submits that the petitioners are also squarely responsible for the forgery and for making false statement and getting the sale deed registered in favour of the petitioner nos. 1 & 2 in which the petitioner no.3 was an attesting witness. Hence, it is submitted that this criminal miscellaneous petition being without any merit be dismissed.

6. Having heard the submissions made at the Bar and after going through the materials available in the record, it is pertinent to mention here that the allegation of forgery is only against the co-accused persons who have been cited as accused nos. 1 to 5 of the complaint. There is absolutely no allegation of commission of any forgery against the petitioners. In the absence of any allegation of forgery or creation of false documents against the petitioners, this Court has no hesitation in holding that even if the entire allegations made against the petitioners are considered to be true in their entirety, still the offence punishable under Section 467/468/471 of the Indian Penal Code or for that matter the

offence punishable under Section 82 of the Registration Act is not made out; so far as the petitioners are concerned.

7. So far as the offence punishable under Section 420 of the Indian Penal Code is concerned, there is absolutely no allegation against the petitioners of deceiving and thereby dishonestly or fraudulently inducing any person so deceived to part with any money or property.

8. Under such circumstances, this Court is of the considered view that even if the entire allegations made against the petitioners are considered to be true in their entirety, still the offence punishable under Section 420 of the Indian Penal Code is not made out. Further, in the absence of any allegation of criminal conspiracy, the offence punishable under Section 120B of the Indian Penal Code is also not made out against the petitioners.

9. In view of the discussions made above, as none of the offences in respect of which the learned Judicial Magistrate -1st Class, Dhanbad has found prima facie case is made out against the petitioners even if the entire allegations made against them are considered to be true in their entirety, this Court is of the considered view that continuation of this criminal proceeding against the petitioners will amount to abuse of process of law. Therefore, this is a fit case where the entire criminal proceeding including the order dated 05.12.2022, passed by the learned Judicial Magistrate -1st Class, Dhanbad in C.P. Case No. 2476 of 2018 whereby and where under cognizance has been taken for the

offences punishable under Section 420/120B/467/468/471/34 of the Indian Penal Code and Section 82 of the Registration Act, be quashed and set aside *qua* the petitioners.

10. Accordingly, the entire criminal proceeding including the order dated 05.12.2022, passed by the learned Judicial Magistrate -1st Class, Dhanbad in C.P. Case No. 2476 of 2018 whereby and where under cognizance has been taken for the offences punishable under Section 420/120B/467/468/471/34 of the Indian Penal Code and Section 82 of the Registration Act, is quashed and set aside *qua* the petitioner.

11. In the result, this criminal miscellaneous petition is allowed.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 4th December, 2025
AFR/Sonu-Gunjan/-

Uploaded on 22/12/2025