**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

CRM-M-34410-2022
Reserved on 10.03.2025
Date of decision: 02.04.2025

Charanjit Singh (since deceased) through his LR Parminder Kaur

...Petitioner

Versus

Surinder Kaur Sanga and others ...Respondents

**CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH**

Argued by: Mr. Sarju Puri, Advocate for the petitioner.

Mr. Jasjeet Singh Dhaliwal, AAG, Punjab.

Mr. P.S. Ahluwalia, Advocate
for respondents No.1 to 3, 6 to 8,
11 and 13 (vendors).

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**KARAMJIT SINGH, J.**

1. The instant petition under Section 482 Cr.P.C. is filed by complainant/petitioner Charanjit Singh through his LR Parminder Kaur seeking quashing of order dated 13.07.2016 Annexure P-1 passed by the Court of Judicial Magistrate Ist Class, SBS Nagar in Criminal complaint No.28/2015 RBT/CRM-3776-2013 titled as Charanjit Singh Vs. Gulshan Rai and others, to the extent, the protest petition filed by complainant Charanjit Singh was dismissed qua respondents No.1 to 13 herein and order dated 14.01.2022 Annexure P-2 passed by the Court of Additional Sessions Judge, SBS Nagar vide which the revision petition filed by the petitioner against the said order dated 13.07.2016 (Annexure P-1), has been dismissed.

2. The brief facts of the case are that complainant Charanjit Singh was son of Mehar Singh and he was permanent resident of United Kingdom. Complainant reported to the police that property in question situated on railway road Banga was owned by his father Mehar Singh who purchased the same in a Court auction. The said property consisted of two portions. The eastern portion comprised of two rooms, bathroom and a kitchen, which was taken on rent by accused Harbans Lal from Mehar Singh in 1972-1973. The western portion comprised of three shops abutting the railway road, which were rented out to three different tenants but two of the shops were later on vacated. Mehar Singh executed Will with regard to his entire estate including the aforesaid property in favour of his son Charanjit Singh. On demise of Mehar Singh, the property in question was succeeded by complainant Charanjit Singh. Taking benefit of the absence of complainant Charanjit Singh, accused Gulshan Rai, Rakesh Rai and Harbans Lal illegally occupied aforesaid two vacant shops, while the third shop is still in possession of a tenant under the complainant. After taking illegal possession of the aforesaid two shops, Gulshan Rai, Rakesh Rai and Harbans Lal started claiming that they have purchased the said two shops through registered sale deeds. The complainant alleged that the concerned four sale deeds Ex.CW-5/95, Ex.CW-5/97, Ex.CW-5/99 and Ex.C-5/100 are forged and fabricated documents. The alleged vendors of the said sale deeds i.e. respondents No.1 to 3 and respondents No.6 to 8, were having no right, title or interest in the property in question. The alleged sale deeds were in favour of Gulshan Rai and Rakesh Rai sons of Harbans Lal. The revenue authorities wrongly sanctioned mutation No.16427 in favour of Gulshan Rai

and Rakesh Rai on the basis of aforesaid alleged sale transactions. However, subsequently, the said mutation was cancelled by Assistant Collector Ist Grade, Nawashahar. The aforesaid vendees also gave false affidavit to Municipal Committee Banga, with regard to their ownership. On the basis of the said complaint, police registered FIR No.125 dated 29.04.2004 under Sections 420 and 120-B IPC in Police Station Banga against all the accused including the vendors, vendees and the attesting witnesses of the afore-stated registered sale deeds. The matter was investigated by the police and the accused persons joined the investigation. On completion of investigation, police presented cancellation report dated 18.01.2006 before the Court concerned. However, the same was rejected with direction to the police to further investigate the matter. Even after further investigation, police presented another cancellation report dated 19.11.2006 but the same was also rejected with direction to further investigate into the matter. Thereafter, third cancellation report was submitted by the police on 21.02.2009 and the same was accepted by the Court concerned. However, the protest petition filed by the complainant was treated as a private criminal complaint.

3. In the preliminary evidence, complainant examined CW-1 Yashpal Singh who produced summoned record maintained by Municipal Committee Banga and he proved documents Ex.CW-1/A to Ex.CW-1/C and documents Ex.CW-1/D and Ex.CW-1/E and copy of affidavit Ex.CW-1/F. CW-2 Harpreet Singh, Alhmad of the Court of Additional Sessions Judge, SBS Nagar produced the summoned record and proved documents Ex.CW-2/1 to Ex.CW-2/6. CW-3 Kashmiri Lal, Patwari Circle Banga, District SBS

Nagar produced the record relating to concerned jamabandis and he proved jamabandis Ex.CW-3/A of 1982-1983 and Ex.CW-3/B of 1987-1988. CW-4 ASI Prem Lal official of SSP office, SBS Nagar produced the summoned record and proved documents Ex.CW-4/1 to Ex.CW-4/21. CW-5 Gurcharan Singh attorney of complainant Charanjit Singh reiterated the averments made in the protest petition. He proved power of attorney Ex.CW-5/1. He also proved documents Ex.CW-5/2 to Ex.CW-5/53. He also tendered documents Ex.CW-5/54 to Ex.CW-5/100.

4. On completion of preliminary evidence, the Court of Illaqa Magistrate concerned dismissed the protest petition (criminal complaint) against the respondents herein but summoned Gulshan Rai, Rakesh Rai and Harbans Lal to face trial under Sections 420, 467, 468, 471 and 120-B IPC, vide order dated 13.07.2016 Annexure P-1.

5. The complainant being aggrieved filed criminal revision petition against respondents No.1 to 13 herein. However, the said revision petition was dismissed by the Court of Additional Sessions Judge, SBS Nagar vide order dated 14.01.2022 Annexure P-2.

6. Still being not satisfied, complainant/petitioner has filed the present petition under Section 482 Cr.P.C and has laid challenge to orders Annexure P-1 and Annexure P-2 passed by the Court of Illaqa Magistrate concerned and the revisional Court respectively, to the extent stated above.

7. The counsel appearing on behalf of complainant/petitioner has submitted that the plain reading of protest petition (criminal complaint) discloses commission of offences punishable under Sections 420, 467, 468, 471 and 120-B IPC against all the accused including respondents No.1 to 13

(herein). The alleged vendors i.e. respondents No.1 to 3 and respondents No.6 to 8, 11 and 13 were not owners of the property in question comprised of three shops which were owned by Mehar Singh father of the complainant. The alleged vendors were fully aware of this fact, yet they transferred the property in question in favour of Gulshan Rai and Rakesh Rai sons of Harbans Lal vide sale deeds Ex.CW-5/95, Ex.CW-5/97, Ex.CW-5/99 and Ex.CW-5/100. In this manner, the alleged vendors and attesting witnesses committed cheating and forgery by colluding with each other. The trial Court while passing order Annexure P-1 rightly summoned vendees namely Gulshan Rai, Rakesh Rai and their father Harbans Lal for commission of offences punishable under Sections 420, 467, 468, 471 and 120-B IPC but failed to take cognizance against the alleged vendors, attesting witnesses and stamp vendors of the said sale transactions. Respondents No.1 to 13 herein are equally liable along with Gulshan Rai and Rakesh Rai and their father Harbans Lal for commission of cheating and forgery. Even order Annexure P-2 rendered by the revisional Court is not sustainable being passed against law.

8. The counsel appearing on behalf of vendors *inter alia* submits that no offence is made out against respondents No.1 to 3, 6 to 8, 11 and 13. It has been further submitted that at the time of execution of the sale deed, the said vendors were recorded as co-sharers in the property in dispute having Khasra No.1135 and they validly sold their share to Gulshan Rai and Rakesh Rai sons of Harbans Lal vide sale deeds in question. It has been further submitted that even if the allegations made in the protest petition are taken to be true on its face value, then also no offence is made out against

respondents No.1 to 3 and 6 to 8 and other respondents, in the light of the law laid down by Hon'ble Supreme Court in ***Mohd. Ibrahim and others Vs. State of Bihar and another 2009 (4) RCR (Criminal) 369,*** wherein it was held in case, the accused has sold a plot of land to another person claiming himself to be the owner of the same, no offence of forgery under Section 467 and 471 IPC is made out and further as the accused cheated the purchaser and not the owner, it is purchaser who may lodge a complaint under Section 420 IPC alleging that he was cheated, as accused made false representation of ownership but such complaint is not maintainable on behalf of the owner of the property in question.

9. The case of the complainant/petitioner is that earlier the property in question was owned and possessed by his father Mehar Singh and on his death the property in question was succeeded by him, but was wrongly sold by respondents No.1 to 3, 6 to 8 and respondent No.11 vide sale deeds Ex.CW-5/95, Ex.CW-5/97, Ex.CW-5/99 and Ex.CW-5/100, to Gulshan Rai and Rakesh Rai sons of Harbans Lal.

10. Sale deed Ex.CW-5/95 is purported to be executed by respondent No.11 in favour of Gulshan Rai and Rakesh Rai with regard to ¼ share out of Khasra No.1135 (0-4), on 03.09.1998 in presence of attesting witnesses namely respondent No.4 Paramjit Singh and respondent No.12 Ram Kishan. Sale deed Ex.CW-5/97 is purported to be executed by respondents No.6 and 7 in favour of Gulshan Rai and Rakesh Rai with regard to 1/8th share out of Khasra no.1135 (0-4) on 08.10.1998 in presence of attesting witnesses namely respondent No.10 Narender Pal Singh and one Amarjit Singh. Sale deed Ex.CW-5/99 is purported to be executed by

respondents No.1 to 3 in favour of Gulshan Rai and Rakesh Rai with regard to ½ share out of Khasra No.1135 (0-4), on 22.10.1998 in presence of attesting witnesses namely respondent No.4 Paramjit Singh and respondent No.5 Tarlok Singh. Sale deed Ex.CW-5/100 is purported to be executed by respondents No.7, 8 and 13 in favour of Gulshan Rai and Rakesh Rai with regard to 1/8th share out of Khasra No.1135 (0-4), on 04.01.2000 in presence of attesting witnesses namely respondent No.4 Paramjit Singh and respondent No.6 Harnandan Kaur.

11. In the instant case, the complainant is seeking summoning of respondents No.1 to 3, 6 to 8, 11 and 13 (vendors) and remaining respondents to face trial under Sections 420, 467, 468, 471 and 120-B IPC along with Gulshan Rai, Rakesh Rai and their father Harbans Lal.

12. The ratio as propounded by the Hon'ble Supreme Court in ***Mohd. Ibrahim's case (supra),*** squarely applies in the present case. The relevant paragraphs of the judgment (supra) are reproduced herein below:-

> *8. Let us first consider whether the complaint averments even assuming to be true make out the ingredients of the offences punishable either under section 467 or section 471 of Penal Code. Section 467 (in so far as it is relevant to this case) provides that whoever forges a document which purports to be a 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. Section 471, relevant to our purpose, provides that whoever fraudulently or dishonestly uses as genuine any document which he knows or has reason to believe to be a forged document, shall be punished in the same manner as if he had forged such document.*
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> Section 470 *defines a forged document as a false document made by forgery. The term "forgery" used in these two sections is defined in section 463 which provides "whoever makes any false documents with intent to cause damage or injury to the public or to any person, or to support any claim or title, or to cause any person to part with property, or to enter into express or implied contract, or with intent to commit fraud or that the fraud may be committed, commits forgery."*
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> Section 464 *defining "making a false document" is extracted below :*
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> *"464. Making a false document.--A person is said to make a false document or false electronic record---*
>
> *First.--Who dishonestly or fraudulently -*
>
> > *(a) makes, signs, seals or executes a document or part of a document;*
> >
> > *(b) makes or transmits any electronic record or part of any electronic record;*

> *(c) affixes any digital signature on any electronic record;*
>
> *(d) makes any mark denoting the execution of a document or the authenticity of the digital signature, with the intention of causing it to be believed that such document or a part of document, electronic record or digital signature was made, signed, sealed, executed, transmitted or affixed by or by the authority of a person by whom or by whose authority he knows that it was not made, signed, sealed, executed or affixed; or*
>
> *Secondly.-Who, without lawful authority, dishonestly or fraudulently, by cancellation or otherwise, alters a document or an electronic record in any material part thereof, after it has been made, executed or affixed with digital signature either by himself or by any other person, whether such person be living or dead at the time of such alternation; or*
>
> *Thirdly.--Who dishonestly or fraudulently causes any person to sign, seal, execute or alter a document or an electronic record or to affix his digital signature on any electronic record knowing that such person by reason of unsoundness of mind or intoxication cannot, or that by reason of deception practised upon him, he does not know the contents of the document or electronic record or the nature of the alteration.*

*Explanation 1 - A man's signature of his own name may amount to forgery.*

*Explanation 2 - The making of a false document in the name of a fictitious person, intending it to be believed that the document was made by a real person, or in the name of a deceased person, intending it to be believed that the document was made by the person in his lifetime, may amount to forgery.*

*[Note: The words `digital signature' wherever it occurs were substituted by the words `electronic signature' by Amendment Act 10 of 2009]."*

*The condition precedent for an offence under* sections 467 *and* 471 *is forgery. The condition precedent for forgery is making a false document (or false electronic record or part thereof). This case does not relate to any false electronic record. Therefore, the question is whether the first accused, in executing and registering the two sale deeds purporting to sell a property (even if it is assumed that it did not belong to him), can be said to have made and executed false documents, in collusion with the other accused.*

*10. An analysis of* section 464 *of Penal Code shows that it divides false documents into three categories:*

> *10.1) The first is where a person dishonestly or fraudulently makes or executes a document with the intention of causing it to be believed that such document was made or executed by some other person, or by the authority of some other person, by whom or by whose authority he knows it was not made or executed.*
>
> *10.2) The second is where a person dishonestly or fraudulently, by cancellation or otherwise, alters a document in any material part, without lawful authority, after it has been made or executed by either himself or any other person.*
>
> *10.3) The third is where a person dishonestly or fraudulently causes any person to sign, execute or alter a document knowing that such person could not by reason of (a) unsoundness of mind; or (b) intoxication; or (c) deception practised upon him, know the contents of the document or the nature of the alteration.*
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> *11. In short, a person is said to have made a `false document', if (i) he made or executed a document claiming to be someone else or authorised by someone else; or (ii) he altered or tampered a document; or (iii) he obtained a document by practicing deception, or from a person not in control of his senses.*
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> *12. The sale deeds executed by first appellant, clearly and obviously do not fall under the second and third categories of `false documents'. It therefore remains to be seen whether the claim of the complainant that the execution of sale deeds by the first accused, who was in no way connected with the land, amounted to committing forgery of the documents with the intention of taking possession of complainant's land (and that accused 2 to 5 as the purchaser, witness, scribe and stamp vendor*

> *colluded with first accused in execution and registration of the said sale deeds) would bring the case under the first category.*
>
> *There is a fundamental difference between a person executing a sale deed claiming that the property conveyed is his property, and a person executing a sale deed by impersonating the owner or falsely claiming to be authorized or empowered by the owner, to execute the deed on owner's behalf. When a person executes a document conveying a property describing it as his, there are two possibilities. The first is that he bonafide believes that the property actually belongs to him. The second is that he may be dishonestly or fraudulently claiming it to be his even though he knows that it is not his property. But to fall under first category of `false documents', it is not sufficient that a document has been made or executed dishonestly or fraudulently. There is a further requirement that it should have been made with the intention of causing it to be believed that such document was made or executed by, or by the authority of a person, by whom or by whose authority he knows that it was not made or executed.*
>
> *When a document is executed by a person claiming a property which is not his, he is not claiming that he is someone else nor is he claiming that he is authorised by someone else. Therefore, execution of such document (purporting to convey some property of which he is not the owner) is not execution of a false document as defined under section 464 of the Code. If what is executed is not a false document, there is no forgery. If there is no forgery, then neither section 467 nor section 471 of the Code are attracted.*
>
> *Section 420 IPC*

*13. Let us now examine whether the ingredients of an offence of cheating are made out. The essential ingredients of the offence of "cheating" are as follows: (i) deception of a person either by making a false or misleading representation or by dishonest concealment or by any other act or omission; (ii) fraudulent or dishonest inducement of that person to either deliver any property or to consent to the retention thereof by any person or to intentionally induce that person so deceived to do or omit to do anything which he would not do or omit if he were not so deceived; and (iii) such act or omission causing or is likely to cause damage or harm to that person in body, mind, reputation or property. To constitute an offence under section 420, there should not only be cheating, but as a consequence of such cheating, the accused should have dishonestly induced the person deceived (i) to deliver any property to any person, or*

*(ii) to make, alter or destroy wholly or in part a valuable security (or anything signed or sealed and which is capable of being converted into a valuable security).*

*14. When a sale deed is executed conveying a property claiming ownership thereto, it may be possible for the purchaser under such sale deed, to allege that the vendor has cheated him by making a false representation of ownership and fraudulently induced him to part with the sale consideration. But in this case the complaint is not by the purchaser. On the other hand, the purchaser is made a co-accused. It is not the case of the complainant that any of the accused tried to deceive him either by making a false or misleading representation or by any other action or omission, nor is it his case that they offered him any fraudulent or dishonest inducement to deliver any property or to consent to the retention thereof by any person or to intentionally induce him to do or omit to do anything which he would not do or omit if he were not so deceived. Nor did the complainant allege that the first appellant pretended to be the complainant while executing the sale deeds. Therefore, it cannot be said that the first accused by the act of executing sale deeds in favour of the second accused or the second accused by reason of being the purchaser, or the third, fourth and fifth accused, by reason of being the witness, scribe and stamp vendor in regard to the sale deeds, deceived the complainant in any manner. As the ingredients of cheating as stated in section 415 are not found, it cannot be said that there was an offence punishable under sections 417, 418, 419 or 420 of the Code.*

*A clarification*

*15. When we say that execution of a sale deed by a person, purporting to convey a property which is not his, as his property, is not making a false document and therefore not forgery, we should not be understood as holding that such an act can never be a criminal offence. If a person sells a property knowing that it does not belong to him, and thereby defrauds the person who purchased the property, the person defrauded, that is the purchaser, may complain that the vendor committed the fraudulent act of cheating.*

*But a third party who is not the purchaser under the deed may not be able to make such complaint. The term `fraud' is not defined in the Code. The dictionary definition of `fraud' is "deliberate deception, treachery or cheating intended to gain advantage". Section 17 of the Contract Act, 1872 defines `fraud' with reference to a party to a contract. In Dr. Vimla vs. Delhi Administration - AIR 1963 SC 1572, this Court explained the meaning of the expression `defraud' thus "The expression "defraud" involves two elements, namely, deceit and injury to the person deceived. Injury is something other than economic loss that is, deprivation of property, whether movable or immovable, or of money, and it will include any harm whatever caused to any person in body, mind, reputation or such others. In short, it is a non-economic or non-pecuniary loss. A benefit or advantage to the deceiver will almost always cause loss or detriment to the deceived. Even in those rare cases where there is a benefit or advantage to the deceiver, but no corresponding loss to the deceived, the second condition is satisfied."*

*The above definition was in essence reiterated in State of UP vs. Ranjit Singh - 1999 (2) SCC 617.*

*16. The Penal Code however defines `fraudulently', an adjective form of the word `fraud', in section 25, as follows : "A person is said to do a thing fraudulently if he does that thing with intent to defraud but not otherwise". The term "fraudulently" is mostly used with the term "dishonestly" which is defined in section 24 as follows : "Whoever does anything with the intention of causing wrongful gain to one person or wrongful loss to another person is said to do that thing "dishonestly". To `defraud' or do something fraudulently is not by itself made an offence under the Penal Code, but various acts when done fraudulently (or fraudulently and dishonestly) are made offences. These include:*

> *(i) Fraudulent removal or concealment of property (sec.206, 421, 424)*
>
> *(ii) Fraudulent claim to property to prevent seizure (sec. 207).*
>
> *(iii) Fraudulent suffering or obtaining a decree (sec. 208* and *210)*
>
> *(iv) Fraudulent possession/delivery of counterfeit coin (sec.239, 240, 242 and 243).*
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> *(v) Fraudulent alteration/diminishing weight of coin (sec. 246 to 253)*
>
> *(vi) Fraudulent acts relating to stamps (sec. 261-261)*
>
> *(vii) Fraudulent use of false instruments/weight/measure (sec.264 to 266)*
>
> *(viii) Cheating (sec. 415 to 420)*
>
> *(ix) Fraudulent prevention of debt being available to creditors (sec. 422).*
>
> *(x) Fraudulent execution of deed of transfer containing false statement of consideration (sec. 423).*
>
> *(xi) Forgery making or executing a false document (sec. 463 to 471 and 474)*
>
> *(xii) Fraudulent cancellation/destruction of valuable security etc.(sec. 477)*
>
> *(xiii) Fraudulently going through marriage ceremony (sec.496).*

*It follows therefore that by merely alleging or showing that a person acted fraudulently, it cannot be assumed that he committed an offence punishable under the Code or any other law, unless that fraudulent act is specified to be an offence under the Code or other law.*

13. In the light of the above settled position of law, it is obvious that deception is quintessence of the offence of cheating punishable under Section 420 IPC. So to hold a person to be guilty of cheating another

person, usually there must be an allegation that a false representation was a made by the accused to person deceived knowing fully well that the said representation is not true to his knowledge at the time of making it and thereby the accused induced the person deceived to deliver any property to him or to any other person and consequently, the person deceived must have suffered damage or harm either in body, mind, reputation or to any property. Admittedly, as per the allegations made in the protest petition, it is not the case of complainant that vendors and other respondents herein made any false representation to the complainant (owner of the property in question), at the time of sale of said property and they induced the complainant to deliver the said property to them or to any other person. So, the above stated basic ingredients required to constitute an offence of cheating under Section 420 IPC are conspicuously absent in the facts of the case.

14. From the perusal of the impugned order Annexure P-1, it is apparent that the Court of Illaqa Magistrate concerned while passing the said order observed that the counsel appearing on behalf of the complainant contended that inadvertently a wrong entry was made by the revenue authorities in jamabandi of 1987-1988 and on account of said mistake, the vendors herein were shown as co-sharers in Khasra No.1135 through Shanti Devi and taking advantage of the said wrong entry, the alleged vendors sold share out of Khasra No.1135 to Gulshan Rai and Rakesh Rai vide registered sale deeds in question. The said mistake if any was rectified by the revenue authorities only when it was brought to their notice, after the execution of sale deeds in question and resultantly, mutation which was sanctioned in favour of Gulshan Rai and Rakesh Rai on the basis of said sale deeds was

also set aside. Undoubtedly, the said order was challenged by Rakesh Rai in CWP-5688-2006 and the operation of the same has been stayed and the writ petition was admitted vide order dated 15.05.2008. In the given circumstances, as at the relevant time, respondents No.1 to 3, 6 to 8, 11 and 13 herein were recorded as co-sharers in Khasra No.1135 and they sold the said share to Gulshan Rai and Rakesh Rai vide registered sale deeds in question, no offence is made out against the said vendors and attesting witnesses. Even recently, the Hon'ble Supreme Court in ***Jit Vinayak Arolkar Vs. State of Goa and others 2025 INSC 31*** has relied upon its earlier decision in ***Mohd. Ibrahim's case (supra)*** and quashed the FIR registered against the vendor (accused therein).

15. Further, in the instant case, there are no averments in the protest petition to the effect that respondents No.1 to 3, 6 to 8, 11 and 13 (vendors) executed the sale deeds in question by impersonating themselves as owners of the property in question or falsely claiming to be authorized by the owner to execute the sale deeds on owner's behalf. As per the settled position of law as enumerated in ***Mohd. Ibrahim's case*** (supra), when a document is executed by a person claiming a property which is not his own, he is not claiming that he is someone else nor he is claiming that he is authorized by someone else. Therefore, execution of such document (purporting to convey some property of which he is not the owner) is not execution of a false document as defined under Section 464 IPC.

16. In light of the above, the allegations in the complaint even if taken to be true on its face value, do not make out any offence under Sections 420, 467, 468, 471 and 120-B IPC against the respondents.

17. Further, Hon'ble Supreme Court in ***Kailash Verma Vs. Punjab State Civil Supplies Corporation and Another 2005 (1) RCR (Criminal) 727*** has observed as follows:-

> *6. It may also be noticed that this Court in Rajathi v. C. Ganesan said that the power under Section 482 of the Criminal Procedure Code has to be exercised sparingly and such power shall not be utilized as a substitute for second Revision. Ordinarily, when a Revision has been barred under Section 397(3) of the Code, the complainant or the accused cannot be allowed to take recourse to Revision before the High Court under Section 397(1) of the Criminal Procedure Code as it is prohibited under Section 397(3) thereof. However, the High Court can entertain a petition under Section 482 of the Criminal Procedure Code when there is serious miscarriage of justice and abuse of the process of the court or when mandatory provisions of law were not complied with and when the High Court feel that the inherent jurisdiction is to be exercised to correct the mistake committed by the revisional court.*
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> *7. In State through Special Cell, New Delhi v. Navjot Sandhu @ Afshan Guru and Ors. , the power of the High Court under Section 482 came up for consideration and it was held as under :*
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> > *"Section 482 of the Criminal Procedure Code starts with the words "Nothing in this Code." Thus, the inherent jurisdiction of the High Court under Section 482 of the Criminal Procedure Code can be exercised even when there is a bar under Section 397 or some other provisions of the Criminal Procedure Code. However, as is set out in Satya Narayan Sharma's case ; this power cannot be exercised if there is a statutory bar in some other enactment. If the order assailed is purely of an interlocutory character, which could be corrected in exercise of revisional powers or appellate powers the High Court must refuse to exercise its inherent powers. The inherent power is to be used only in cases where there is an abuse of the process of the court or where interference is absolutely necessary for securing the ends of justice."*

18. Now reverting back to the facts and circumstances of the present case, this Court is of the view that there is no justification in exercising inherent power under Section 482 Cr.P.C as the complainant has failed to point out any miscarriage of justice. Even there is nothing on the record to establish that in the instant case interference is absolutely necessary for securing the ends of justice.

19. For the foregoing reasons, the present petition is hereby dismissed being devoid of merits.

**02.04.2025** **(KARAMJIT SINGH)**
*Yogesh* **JUDGE**

**Whether speaking/reasoned:- Yes/No**
**Whether reportable:- Yes/No**