IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4849 of 2017

Arising Out of PS. Case No.-186 Year-2012 Thana- BUXAR District- Buxar

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1. Akhilesh Kumar Singh, Son of Late Parmanand Singh, Resident of Village- Basudhar, P.S. Itarhi, District- Buxar.
2. Kamlesh Prasad Signh @ Kmleshwar Prasad Singh, S/o Late Parmanand Singh, resident of Village- Basudhar, P.S.- Itarhi, District- Buxar.
3. Ajay Kumar Singh @ Ajay Singh, Son of Late Parmanand Singh, resident of Village- Basudhar, P.S.- Itarhi, District- Buxar.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Manendra Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA

ORAL ORDER

8 02-07-2026

1. Heard learned counsel for the petitioners as well as learned APP for the State.

2. The present application has been preferred under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as 'Cr.P.C.') for quashing the F.I.R. bearing Buxar Town P.S. Case No.186 of 2012 lodged under Sections 467, 468 and 420 read with Section 34 of the Indian Penal Code, 1860 against the present petitioners and other accused persons named in the aforesaid F.I.R.

3. The factual matrix, as emerging from the materials available on record, is that the present F.I.R. came to be

instituted on the basis of a written report submitted by the informant alleging that certain persons of Village Basudhar, Police Station Itarhi, District Buxar, including the present petitioners, had changed their names, procured land possession certificates on the strength of forged and fabricated documents and, in connivance with certain officials of Canara Bank, Buxar Town Branch, obtained loans under the M.S.T.P. Scheme and wrongfully availed the benefit of Government subsidy. It is further alleged that by adopting such fraudulent means, the accused persons had not only secured illegal pecuniary advantage but had also frustrated the very object of the welfare scheme floated by the Government. On the basis of the said allegations, Buxar Town P.S. Case No.186 of 2012 was instituted for the offences punishable under Sections 467, 468, and 420 read with Section 34 of the Indian Penal Code against the petitioners and other accused persons.

4. Learned counsel for the petitioners submits that the impugned F.I.R. is a glaring abuse of the process of law and has been instituted with an oblique motive to harass the petitioners on account of long-standing village rivalry and a pending civil dispute between the parties. It is submitted that the petitioners had lawfully availed the loan facility in their respective names

and had repaid the entire loan amount as early as in the year 2008, whereafter the concerned Bank issued 'No Dues Certificates' and closed the respective loan accounts. Learned counsel further submits that during the course of investigation, the Senior Manager of Canara Bank, Buxar Town Branch, by communication dated 06.02.2014 addressed to the Investigating Officer, categorically stated that no irregularity or wrongdoing had been found in respect of the transactions relating to the petitioners. It is submitted that the Bank, being the only institution directly concerned with the loan transactions, has neither alleged any fraud nor claimed to have suffered any financial loss.

5. Learned counsel further submits that the allegations made in the F.I.R. are vague, omnibus and wholly unsupported by any specific material constituting the ingredients of the offences punishable under Sections 467, 468 and 420 of the Indian Penal Code. He submits that the informant is neither an aggrieved person nor has any nexus with the loan transactions in question and, therefore, lacks any legal basis to set the criminal law in motion on the allegations so made. It is further submitted that the petitioners and the informant are co-villagers and close agnates (*Gotiyas*), between whom a partition suit in respect of

ancestral property has been pending since the year 2003, and the present criminal prosecution is nothing but a counterblast arising out of the said civil dispute. Learned counsel, thus, submits that even if the allegations contained in the F.I.R. are taken at their face value, no *prima facie* case is made out against the petitioners and continuation of the criminal prosecution would amount to an abuse of the process of the Court, warranting interference in exercise of the inherent jurisdiction of this Court.

6. Per contra, learned APP appearing for the State submits that the F.I.R. discloses the commission of cognizable offences. He submits that appropriate order may be passed in the interest of justice.

7. I have considered the rival submissions advanced on behalf of the parties and have carefully perused the materials available on record. The principal question which falls for consideration before this Court is whether, in the facts and circumstances of the present case, the allegations made in the F.I.R., even if accepted in their entirety, disclose the commission of the offences alleged against the petitioners so as to justify continuation of the criminal prosecution, or whether the case warrants exercise of the inherent jurisdiction of this Court under

Section 482 of the Cr.P.C. to secure the ends of justice and prevent abuse of the process of the Court.

8. Before adverting to the merits of the rival contentions, it would be apposite to briefly notice the scope of the inherent jurisdiction of this Court under Section 482 of the Cr.P.C. The power preserved under the said provision is of the widest amplitude, however, its exercise is circumscribed by well-settled judicial principles. Such jurisdiction is to be invoked sparingly, with great caution and only in exceptional cases, either to give effect to an order under the Cr.P.C., to prevent abuse of the process of any Court or otherwise to secure the ends of justice. While exercising such jurisdiction, the Court is not expected to embark upon a meticulous appreciation of the evidence or adjudicate disputed questions of fact. At the same time, where the allegations contained in the F.I.R., even if taken at their face value and accepted in their entirety, fail to disclose the essential ingredients of the alleged offences or where the criminal proceeding is manifestly attended with *mala fides* and has been instituted for an ulterior purpose, the High Court would be fully justified in exercising its inherent jurisdiction to interdict such proceedings at the threshold, lest the criminal process itself becomes an instrument of oppression rather than a

means of securing justice.

9. In the present case, the gravamen of the allegation is that the petitioners, in connivance with certain officials of Canara Bank, procured loans under the M.S.T.P. Scheme by adopting fraudulent means. However, from a plain reading of the F.I.R., it is evident that the allegations are couched in general terms and no specific overt act has been attributed to the petitioners demonstrating as to how they forged any document, impersonated any person or dishonestly induced the Bank to part with its money. Significantly, the F.I.R. is conspicuously silent with regard to the nature of the alleged forged documents, the role individually played by the petitioners and the manner in which the ingredients of the offences punishable under Sections 467, 468 and 420 of the Indian Penal Code are attracted. Mere use of the expressions “forgery” and “fraud” in the F.I.R., bereft of foundational facts, cannot by itself constitute the commission of the offences alleged.

10. Another circumstance which assumes significance is that the loan transactions in question admittedly pertain to the petitioners and the concerned Bank. The materials brought on record, including the case diary, indicate that the petitioners had repaid the loan amount and were issued ‘No Dues Certificates’

by the Bank much prior to the institution of the present case. More importantly, the communication issued by the Senior Manager of Canara Bank to the Investigating Officer during the course of investigation does not indicate any irregularity or financial loss attributable to the petitioners. Thus, the institution which was allegedly deceived has itself not supported the allegation of fraud. In such circumstances, the very substratum of the prosecution case becomes doubtful, particularly when the F.I.R. does not disclose any material indicating wrongful loss to the Bank or corresponding wrongful gain to the petitioners.

11. This Court also cannot lose sight of the fact that the informant is neither the lending institution nor a person directly connected with the loan transactions. The materials on record further reveal that the parties are co-villagers and close agnates, between whom a civil dispute relating to partition has been pending for a considerable period. Although the existence of a civil dispute by itself may not be a ground to quash criminal proceedings, where the attendant circumstances disclose that the criminal law has been set in motion by a person having no direct nexus with the transaction and the allegations lack the necessary factual foundation to constitute the alleged offences, the possibility of the criminal process being employed as a means of

exerting pressure cannot be lightly ignored. In the considered opinion of this Court, continuation of the present prosecution, in the facts of the case, would not advance the cause of justice but would amount to permitting abuse of the process of the Court.

12. The facts of the present case also deserve to be examined in the light of the principles enunciated by the Hon'ble Supreme Court in ***State of Haryana and Ors. v. Bhajan Lal and Ors.***, reported in ***1992 Supp (1) SCC 335*** and ***Pradeep Kumar Kesarwani v. State of Uttar Pradesh & Anr.***, reported in ***2025 SCC OnLine SC 1947***, wherein the contours of the inherent jurisdiction of the High Court under Section 482 of the Cr.P.C. and the extraordinary power to quash criminal proceedings were authoritatively delineated. The Hon'ble Supreme Court illustratively enumerated the categories of cases wherein interference at the threshold would be justified to prevent abuse of the process of the Court or to secure the ends of justice. In the considered opinion of this Court, the facts of the present case squarely warrant examination on the touchstone of the aforesaid principles.

13. At this stage, it is apposite to reproduce the relevant paragraph as held by the Hon'ble Supreme Court in ***Bhajan Lal (supra)***:

> ***"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 have given 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.

xxxx xxxx xxxx

(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.

xxxx xxxx xxxx

(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.

xxxx xxxx xxxx

(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."

14. In view of the discussions made hereinabove, this Court is satisfied that permitting the criminal prosecution to continue would serve no useful purpose and would merely subject the petitioners to unnecessary criminal proceedings despite the absence of foundational material constituting the alleged offences. The criminal law cannot be permitted to be employed as an instrument of harassment or to settle personal scores arising out of collateral disputes. The facts of the present case unmistakably warrant the exercise of the inherent jurisdiction of this Court to prevent abuse of the process of law and to secure the ends of justice. Accordingly, this Court is of the considered opinion that the impugned F.I.R. is liable to be quashed.

15. Consequently, the F.I.R. giving rise to Buxar Town P.S. Case No.186 of 2012, registered for the offences punishable under Sections 467, 468 and 420 read with Section 34 of the Indian Penal Code, along with all consequential proceedings arising therefrom, is hereby quashed.

16. The present Criminal Miscellaneous Application is, accordingly, allowed.

17. Let a copy of this order be transmitted to the Court

concerned forthwith for needful and compliance.

(Sunil Dutta Mishra, J)

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