

03.
20.02.2026
Bd.

CRR 3315 of 2025

**Binod Kumar Dalmia & Ors.
Vs.
The State of West Bengal**

Mr. Amartya Ghosh
Mr. Souryadeep Ghosh ...for the Petitioners.

Mr. Debasish Roy
Mr. Koushik Kundu
Mr. Karan Bapuli ...for the State

Petitioner's submission before this Court is that by way of registered Deeds of Sale dated 29.03.1995 the petitioners purchased a land measuring about 25 Satak comprised within R.S. Dag No. 246 from six vendors. In 2014, three of the original vendors namely Mujibar Rahaman Mollick, Abdul Mannan Mallick, Abdul Hannan Mollick and the legal heirs of a fourth vendor namely, Abdul Goni Mollick sold the same property belonging to the petitioners to four companies. In 2024, when the petitioners decided to mutate their names with regard to the said property the petitioners learnt about the above criminal act of the said vendors and also about the said Directors of the company. Thereafter the petitioners lodged complaint before the Officer-in-Charge Jagacha Police Station on the allegation of cheating, criminal breach of trust, forgery and conspiracy, but the police authorities failed to register a case. Thereafter the petitioners were constrained to file a petition under section 175(3) of the BNSS to the learned Chief Judicial Magistrate, Howrah, which was registered as MP Case No.92/2025 on 16.04.2025, where learned Magistrate was pleased to direct the Officer-in-Charge Jagacha

Police Station to conduct a preliminary enquiry and to submit a report. Thereafter learned Magistrate on receiving a report from Jagacha Police Station dismissed the complaint.

Being aggrieved by the aforesaid order of dismissal of the application under section 175(3), learned counsel for the petitioners submits that police authorities during enquiry found that the petitioners purchased the property but some of the vendors of the petitioners have again sold the property to some of the companies and therefore the police acknowledged the allegation leveled by the petitioners in their petition of complaint. However, they reported that the dispute is purely civil in nature in respect of the possession, rights etc., over the disputed land and therefore they refused to register any FIR against the accused persons.

Learned court below by the order dated 05.06.2025 came to a finding that on careful introspection of the case report that there was a dispute with regard to the landed property and several litigations are pending between the parties in different forum, it clearly reflects that there exists civil disputes amongst the parties and civil suits are also pending before the competent civil court and therefore he did not find any cogent material to proceed further with said proceeding.

Learned counsel appearing on behalf of the State leaves the prayer to the discretion of the Court.

Having heard learned counsel appearing on behalf of the petitioners and the State and after going through the materials

available in the record including the complaint it appears that the dispute amongst the parties is purely civil in nature. The vendors of the petitioners have sold the property taking consideration and also executed deed in their favour.

In the case of Md. Ibrahim, (2009) 8 SCC 751, Supreme Court has clearly pointed out the 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. Here the petitioner's deed was executed by the person/vendor, whose ownership in the property never disputed. Now, if such person having been sold the property to the petitioner, thereafter if again sold it to some other company for wrongful gain, knowing well that he has no more ownership in the property but causing it to be believed that he is the owner, then the petitioners cannot have any cause of action to initiate criminal proceedings alleging forgery since they are claiming themselves to be bonafide purchaser for value. Therefore, execution of the deed in favour of complainant by their vendor cannot be said to be false document. If due to subsequent sale complaints face any difficulty in right title possession in property, that may be subject matter of a civil suit, subject to other provisions of law, but by no stretch of imagination, alleged acts of his vendors can give rise to a cause of action to the complainant/petitioner to initiate criminal proceeding against them alleging offence of forgery.

In the absence of any averment in the complaint as from which it can be inferred fraudulent or dishonest inducement having been made by their vendors, pursuant to which complainant purchased the property, it cannot be said that his vendors had cheated the complainant. Similarly, in the absence of allegation indicating entrustment and misappropriation, allegation of criminal breach of trust also does not attract. In the absence of any criminal act the allegation of criminal conspiracy has also no leg to stand.

Therefore the learned court below was justified in passing the order dated 05.06.2025, which does not call for any interference by this Court.

In such view of the matter, CRR 3315 of 2025 stands dismissed.

However, this dismissal order will not preclude the petitioners to avail their appropriate civil remedies, if any, which they are entitled to get subject to other provisions of law.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Dr. Ajoy Kumar Mukherjee, J.)