IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.1563 of 2026
---

1. Ankit Poddar, aged about 34 years, son of Pawan Kumar Poddar, Resident of 2 Poddar House, Road No.13. C.H. Area, Near Flavour of South, P.O. and P.S.-Sonari, Town Jamshedpur, District-East Singhbhum.
2. Nitin Bhalotia @ Nitin Bhalotiya, aged about 41 years, son of Suresh Kumar Bhalotia, resident of Plot No.21, 1st Floor, Tuberose Lane, Near Marigold Flats, Ashiana Garden, P.O. and P.S.-Sonari, Town Jamshedpur, District-East Singhbhum.

… Petitioners

Versus

1. The State of Jharkhand
2. Satyaranjan Poddar, son of Late Mahesh Chandra Poddar, resident of Gola, P.O. and P.S.-Gola, District-Ramgarh.

… Opposite Parties

For the Petitioners : Ms. Nivedita Kundu, Advocate
For the State : Mr. V.K. Vashishta, Spl.P.P.
For the OP 2 : None

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

I.A. No.13001 of 2026

Heard the parties.

Learned counsel for the petitioners submits that this interlocutory application has been filed with the prayer for early hearing of the instant Cr.M.P.

Since, the hearing of instant Cr.M.P. is taken up today, hence, this

interlocutory application stands disposed of being infructuous.

(Anil Kumar Choudhary, J.)

Cr.M.P. No.1563 of 2026

By the Court:- Heard the parties.

2. Though, notice has validly been served upon the opposite party no.2, yet no one turns up on behalf of the opposite party no.2 in spite of repeated calls.

3. This Criminal Miscellaneous Petition has been filed invoking the jurisdiction of this Court under Section 528 of the BNSS, 2023 with the prayer to quash and set aside the entire criminal proceeding arising out of Complaint Case No.826 of 2021 including the order taking cognizance dated 28.06.2024 passed by learned Judicial Magistrate-1st Class, Ramgarh whereby and where under the learned Judicial Magistrate-1st Class, Ramgarh has found *prima facie* case for the offences punishable under Sections 420, 467, 468, 469, 471, 34 & 120B of the Indian Penal Code against the petitioners.

4. The allegations made in the complainant is that the co-accused persons have manipulated Register-II of the office of the Circle Officer, Gola in criminal conspiracy with each other and claiming to be the owner of the land belonging to the complainant and have sold the property of the father of the complainant to the petitioners.

5. The complaint filed by the complainant was referred to police under section 156(3) of Cr.P.C., basing upon which police registered the First Information Report but after investigation of the case police

submitted Final Form by mentioning that the dispute between the parties is a civil dispute. The Complainant filed Protest-cum-Complaint Petition which was registered as Protest-cum-Complaint Petition No.826 of 2021 and basing upon the Protest-cum-complaint, statement on solemn affirmation of the complainant and the statement of the enquiry witnesses, the learned Judicial Magistrate-1st Class, Ramgarh has found *prima facie* case for the offences as already indicated above.

6. Learned counsel for the petitioners drawing attention of this Court to the Judgement dated 16.03.2026 passed in Cr.M.P. No.3288 of 2024 reported in 2026:JHHC:7181, submits that therein this Court has taken notice of the memorandum of mutual partition by meats and bounds made between the complainant and the ancestor of the co-accused namely Dinesh Chandra Poddar as well as the co-accused persons and on the basis of the same, the correction has been made in the Revenue Records. It is next submitted that the co-accused persons filed W.P.C. No.5169 of 2019 in this Court and the said writ petition was disposed of giving liberty to the co-accused persons to submit a representation before Deputy Commissioner, Ramgarh and on receipt of such representation, the Deputy Commissioner, Ramgarh was to appoint Additional Collector, Ramgarh to make an enquiry in the matter; providing opportunity of hearing to the complainant and the co-accused person namely Tapan Kumar Poddar and the reports was to be placed before the Deputy Commissioner, Ramgarh; who was directed to take appropriate decision in the matter in accordance with law.

7. Learned counsel for the petitioners next submits that vide order dated 15.02.2021 passed in Misc. Case No.1 of 2020 upon enquiry by the Additional Collector, Ramgarh in terms of the said order passed by this Court in W.P.C. No.5169 of 2019, the Additional Collector, Ramgarh rejected the representation of the complainant; finding no illegality in the correction made in the Revenue Records including Register-II and upon the same being placed before the Deputy Commissioner, Ramgarh, the Deputy Commissioner, Ramgarh also concurred with the same. It is then submitted that the same goes to show that there is absolutely no manipulation or tampering with the said entries made in the Revenue Record and the orders passed by the Additional Collector and the Deputy Commissioner, Ramgarh are documents of unimpeachable character. It is next submitted that as the petitioners have sold their land which was allotted to them in the partition, so no offence punishable under Section 420 of the Indian Penal Code is made out and in view of the documents of unimpeachable character which goes to show that no false document has been created as there was no manipulation or tampering with the revenue records including the Register-II, hence, in the absence of any forgery being committed, none of the offences punishable under Sections 467, 468, 469, 471 of the Indian Penal Code has been made out; even with the aid of Section 34 or Section 120B of the Indian Penal Code. It is lastly submitted that the prayer as prayed for, in this Cr.M.P., be allowed.

8. Learned Spl.P.P. appearing for the State do not dispute that the co-accused persons against whom there was main allegation, the entire criminal proceeding has been quashed.

9. Having heard the rival submissions made at the Bar and after carefully going through the materials available in the record, this Court finds that the copy of the enquiry report submitted by the Additional Collector, Ramgarh which has been concurred by the Deputy Commissioner, Ramgarh in terms of the order dated 02.03.2020 passed in W.P.C. No.5169 of 2019 by the co-ordinate bench of this Court are documents of unimpeachable character. The veracity of the memorandum of partition arrived at between the complainant and the co-accused vendors as well as the ancestor of the co-accused person namely Dinesh Chandra Poddar is also not in dispute. Thus, in the absence of any forgery or any creation of any false documents, none of the offences punishable under Sections 467, 468, 469, 471 of the Indian Penal Code has been made out; even with the aid of Section 34 or Section 120B of the Indian Penal Code, because the sine qua non for constituting each of such offence is forgery.

10. So far as the offence punishable under Section 420 of the Indian Penal Code is concerned, the only allegation against the petitioners is that the petitioners have purchased the property from the co-accused persons, the ownership of which is claimed by the complainant and the complainant is not a party to the transaction between the petitioners and the co-accused vendors, thus in view of the settled principle of law settled by the Hon'ble Supreme Court of India in the case of **Mohammed Ibrahim & Others. Vs. State of Bihar** reported in **(2009) 8 SCC 751**; the complainant cannot make any complaint against the petitioner.

11. Further, there is no allegation against the petitioners of inducing the complainant to part with any property nor there is any allegation against the petitioners of deceiving the complainant. Further, there is no allegation against the petitioner of committing any impersonation. Hence, this Court is of the considered view that even if the allegations against the petitioners are considered to be true in their entirety still the offence punishable under Section 420 of Indian Penal Code is not made out.

12. In view of the discussions made above, as none of the offences in respect of which the learned Judicial Magistrate-1st Class, Ramgarh has found *prima facie* case to proceed against the petitioners is made out, hence, this Court is of the considered view that the continuation of this criminal proceeding against the petitioners will amount to abuse of process of law and this is a fit case where the entire criminal proceeding arising out of Complaint Case No.826 of 2021 including the order taking cognizance dated 28.06.2024 passed by learned Judicial Magistrate-1st Class, Ramgarh, be quashed and set aside.

13. Accordingly, the entire criminal proceeding arising out of Complaint Case No.826 of 2021 including the order taking cognizance dated 28.06.2024 passed by learned Judicial Magistrate-1st Class, Ramgarh, is quashed and set aside *qua* the petitioners only.

14. In the result, this Cr.M.P., is allowed to the aforesaid extent only.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 16th of September, 2026
AFR/ Abhiraj

Uploaded on 17/09/2026