**IN THE HIGH COURT OF JHARKHAND AT RANCHI**
**Cr.M.P. No. 2397 of 2022**

Sujeet Kumar @ Sujit Kumar, aged about 50 years, s/o late Rajendra Prasad, r/o Madan Lal Prasad, Mansha Ram Ka Akhara, Near Udrahmapur Dhal, Udrahmapur, P.O. & P.S.-Udrahmapur, Dist.-Patna, State-Bihar

.... Petitioners

Versus

1. The State of Jharkhand
2. Kundan Kumar Sinha, s/o late Ranvir Kumar Sinha, r/o Village-Sakim, Chiragoda, P.O. & P.S.-Dhanbad, Dist.-Dhanbad

…. Opp. Parties

**P R E S E N T**

**HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY**

…..

For the Petitioner : Ms. Shivani Jaluka, Advocate
For the State : Mr. Ashutosh Anand, AAG III
: Mr. Binit Chandra, AC to AAG III
For O.P. No.2 : Mr. Pankaj Verma, Advocate
: Mr. Vikesh Kumar, 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 Cr.P.C. with the prayer to quash the FIR and criminal proceeding arising out of East Tundi P.S. Case No. 33 of 2022 registered for the offences punishable under Sections 408, 409, 420, 467, 468, 471, 120B of the Indian Penal Code.

3. It is submitted by the learned counsel for the petitioner that the investigation of the case is still going on and charge sheet has not yet been submitted in this case.

4. The allegation against the petitioner is that the petitioner being the District Sub-Registrar of Govindpur in Dhanbad in connivance and aid of the co-accused persons in conspiracy to fulfill his own personal benefit, has got registered certain documents even though the land involved in the same belongs to the informant.

5. It is submitted by the learned counsel for the petitioner that the allegations against the petitioner are all false. Drawing attention of this Court to the judgment of the Division Bench in L.P.A. No. 08 of 2007, the Special Leave Petition against which order has been dismissed by the Hon'ble Supreme Court of India in S.L.P. (CC) No. 11962 of 2007 vide order dated 13.12.2007, the learned counsel for the petitioner submits that therein, it was held by the Division Bench of this Court that the District Sub-Registrar cannot decided the title of the parties for the purpose of registering of the sale deeds. It is next submitted by the learned counsel for the petitioner that the petitioner in capacity of District Sub-Registrar is not supposed to make any physical verification of the land. It is then submitted by the learned counsel for the petitioner that there is no allegation of impersonation of any executant of the sale deeds. It is further submitted by the learned counsel for the petitioner that the allegations against the petitioner are vague and there is no allegation against the petitioner as to which document

has been tampered with by the petitioner and in what manner. It is then submitted by the learned counsel for the petitioner that the petitioner is a public servant yet no sanction has been obtained from the competent authority for prosecuting the petitioner. It is also submitted by the learned counsel for the petitioner that the petitioner is innocent and has not committed any offence. Relying upon the judgment of the Hon'ble Supreme Court of India in the case of **Satya Pal Anand vs. State of M.P. & Ors.** reported in **2016 SCC OnLine SC 1202**, paragraph no. 36 of which reads as under:-

> *"36. If the document is required to be compulsorily registered, but while doing so some irregularity creeps in, that, by itself, cannot result in a fraudulent action of the State Authority. Non-presence of the other party to the extinguishment deed presented by the Society before the Registering Officer by no standard can be said to be a fraudulent action per se. The fact whether that was done deceitfully to cause loss and harm to the other party to the deed, is a question of fact which must be pleaded and proved by the party making such allegation. That fact cannot be presumed. Suffice it to observe that since the provisions in the 1908 Act enables the Registering Officer to register the documents presented for registration by one party and execution thereof to be admitted or denied by the other party thereafter, it is unfathomable as to how the registration of the document by following procedure specified in the 1908 Act can be said to be fraudulent. As aforementioned, some irregularity in the procedure committed during the registration process would not lead to a fraudulent execution and registration of the document, but a case of mere irregularity. In either case, the party aggrieved by such registration of document is free to challenge its validity before the civil court." (Emphasis supplied)*

The learned counsel for the petitioner submits that therein it has been held by the Hon'ble Supreme Court of India that if the document is required to be compulsorily registered but while

doing so some irregularity creeps in, that, by itself cannot result in a fraudulent action of the State Authority.

6. It is further submitted by the learned counsel for the petitioner that the dispute between the informant and the petitioner is a civil dispute but a cloak of criminal colour is given to the same and the petitioner has been arrayed as an accused, only for the purpose of wreaking vengeance. Relying upon the judgment of this Court in the case of **Ajay Kumar Yadav vs. The State of Jharkhand & Ors.** in W.P. (C) No. 783 of 2018 dated 02.07.2024, it is submitted by the learned counsel for the petitioner that in that case, this Court relied upon the judgment of a coordinate Bench of this Court in the case of **Dinesh Singh vs. The State of Jharkhand & Ors.** passed in W.P. (C) No. 7325 of 2011 dated 19.07.2012 wherein, the coordinate Bench of this Court reiterated that if the sale deed is duly executed and requirement of the law for the time being in force have been complied with on the part of the person presenting the document for registration, the same cannot be refused to be registered and this Court in paragraph no.8 of that judgment has also held that the registering authority cannot refuse to register the deed if the same is presented for registration; as the Registering Authority is debarred from examining the nature of right, title and character in respect of the subject matter of the sale deed presented for registration. Hence, it is submitted that the prayer as made in this criminal miscellaneous petition be allowed.

7. The learned counsel for the State and the learned counsel for the opposite party no.2 on the other hand vehemently opposes the prayer but fairly submits that there is no specific allegation against the petitioner of tampering with any particular document, in any particular manner. It is next submitted by the learned counsel for the State and the learned counsel for the opposite party no.2 that the allegations made in the FIR is sufficient to constitute each of the offences, in respect of which FIR has been registered against the petitioners. Hence, it is submitted that this criminal miscellaneous petition being without any merit be dismissed.

8. 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 only allegation against the petitioner is that the petitioner permitted registration of certain sale deeds executed by various persons in respect of the land, the ownership of which is claimed by the informant. There is no specific allegation against the petitioner that the petitioner has tampered with any specific document in any specific manner. There is no allegation of entrustment of any property to the petitioner or any dishonest misappropriation of the entrusted property. In the absence of the same, this Court has no hesitation in holding that even if the entire allegations made against the petitioner are considered to be true in their entirety, still neither the offence punishable under

Section 408 of the Indian Penal Code nor the offence punishable under Section 409 of the Indian Penal Code is made out.

9. So far as the offence punishable under Section 420 of the Indian Penal Code is concerned, there is absolutely no allegation against the petitioner of inducing any person to part with any property or money nor there is any allegation against the petitioner of deceiving anybody in any manner. Under such circumstances, this Court is of the considered view that even if the entire allegations made against the petitioner are considered to be true in their entirety, still the offence punishable under Section 420 of the Indian Penal Code is not made out.

10. So far as the offences punishable under Sections 467, 468 and 471 of the Indian Penal Code are concerned; to constitute each of the said offences, the essential ingredient is forgery.

11. Now coming to the facts of the case, there is no material in the record to suggest that any forgery has been committed by the petitioner in any specific manner. Under such circumstances, this Court is of the considered view that even if the entire allegations made against the petitioner are considered to be true in their entirety, still none the offences punishable under Sections 467, 468 and 471 of the Indian Penal Code is made out.

12. In view of the discussions made above, as none of the offence in respect of which FIR has been registered is made out against the petitioner even with the aid of Section 120B of the Indian Penal Code, this Court has no hesitation in holding that continuation of

the criminal proceeding against the petitioner will amount to abuse of process of law and this is a fit case where the FIR and criminal proceeding arising out of East Tundi P.S. Case No. 33 of 2022 be quashed and set aside *qua* the petitioner.

13. Accordingly, the FIR and criminal proceeding arising out of East Tundi P.S. Case No. 33 of 2022 is quashed and set aside *qua* the petitioner.

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

**(Anil Kumar Choudhary, J.)**

High Court of Jharkhand, Ranchi
Dated the 12th January, 2026
AFR/Sonu-Gunjan/-

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