IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.115 of 2026

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1. Bhupjeet Kumar Rawani, aged about 48 years,
2. Arbind Kumar @ Arvind Kumar, aged about 38 years;

Both are sons of Mohan Singh, residence of Village:- Romi, Bangla, P.O:- Surajpura, P.S:- Padma O.P., District – Hazaribag.

… Petitioners

Versus

1. The State of Jharkhand
2. Satendra Kumar Sinha, son of Late Laxman Prasad, resident of Village – Itkhori Chatti, P.O. & P.S. – Itkhori, District- Chatra, presently resident of – Flat No. 104, D-Block, Officers Colony near Jain Hospital, Ranipokhar, P.O.- Ranipokhar, P.S. – Sector – 8/C, District – Bokaro.

… Opposite Parties

For the Petitioners : Mr. Randhir Kumar, Advocate
Mrs. Pinki Kumari, Advocate
For the State : Mr. Pankaj Kumar, P.P.
For the O.P. No.2 : Mr. Baibhaw Gahlaut, Advocate

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

By the Court:-

I.A. No. 15683 of 2026

1. Heard the parties.

2. Learned counsel for the petitioners submits that this interlocutory application has been filed for early hearing of this Criminal Miscellaneous Petition.

3. Since the hearing of this Criminal Miscellaneous Petition is being taken up today, hence, this interlocutory application is disposed of being infructuous.

(Anil Kumar Choudhary, J.)

Cr.M.P. No.115 of 2026

1. Heard the parties.

2. This Criminal Miscellaneous Petition has been filed invoking the jurisdiction of this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the prayer to quash the entire criminal proceedings including the order dated 26.11.2024 passed by the leaned Judicial Magistrate-1st Class, Bokaro in Complaint Case No. 318 of 2024 whereby and where the leaned Judicial Magistrate-1st Class, Bokaro has found sufficient ground to proceed *inter alia* against the petitioners for having committed the offences punishable under Sections 420, 467, 468 & 120-B of the Indian Penal Code.

3. The allegation against the petitioners is that the father of the petitioners entered into an agreement for sale of a land with the wife of the complainant. According to which, the wife of the complainant was to sell her house along with 10 decimals of land for a consideration amount of Rs.61,00,000/-. The father of the petitioners paid Rs.44,89,000/- by way of Demand Draft to the wife of the complainant

and Rs.11,000/- towards advance amount but the petitioners did not pay the rest amount. The sale deed was executed by the wife of the complainant in respect of only eight decimals of land. The father of the petitioners did not pay the consideration amount in respect of the remaining 2.25 decimals of land nor the sale deed was executed by the wife of the complainant, in respect of the said 2.25 decimals of land. It is further alleged that the petitioners have encroached upon 2.25 decimals of land of the informant illegally and the father of the petitioner No.1 has entered into an agreement of sale with the petitioner No.1 wrongly. The only allegation against the petitioner No.2 is that the petitioner No.2 along with the petitioner No.1 were the witnesses of the agreement entered into between the father of the petitioners and the wife of the complainant.

4. On the basis of the complaint, the statement of the complainant on the solemn affirmation and the statement of the inquiry witnesses, the leaned Judicial Magistrate-1st Class, Bokaro found sufficient grounds to proceed *inter alia* against the petitioners for having committed the offences punishable under Sections 420, 467, 468 & 120-B of the Indian Penal Code.

5. Learned counsel for the petitioners draws attention of this Court towards Annexure-5 from page No.53 to 57 of this petition and submits that for the self-same allegation, the wife of the complainant during her lifetime, filed Complaint Case No. 1003 of 2015 in the court of the learned Additional Chief Judicial Magistrate, Bokaro. In which case, the

learned Additional Chief Judicial Magistrate, Bokaro found *prima facie* case against the accused persons of that complaint, including the petitioner no.1 of this case, in respect of the offences punishable under Sections 420/34 of the Indian Penal Code but a Co-ordinate Bench of this Court in Cr.M.P. No. 318 of 2017 with Cr.M.P. No. 2221 of 2017 vide its common order dated 18.09.2019, quashed the said order taking cognizance passed in Complaint Case No. 1003 of 2015. It is next submitted that for the self-same allegation, after the death of the wife of the complainant, the complainant has filed a separate case which is not sustainable in law. It is then submitted that the allegations against the petitioners are false. It is also submitted that the complainant himself filed Complaint Case No. 430 of 2017 on the same set of allegations; which upon being referred to police, Sector-4 P.S. Case No. 141 of 2017 was registered but after investigation of the case, police submitted Final Form showing therein lack of evidence and this is the third journey of the complainant for the self-same occurrence. It is next submitted that the wife of the complainant also filed Original (Title) Suit No. 120 of 2018 for the self-same land; which is still pending in the court of the Civil Judge (Senior Division)-I, Hazaribagh. It is further submitted that parallel civil and criminal cases have been filed one after another to harass the petitioners and the complaint has been filed suppressing the fact that the father of the petitioners namely Mohan Singh has died on 19.12.2023 before filing of the complaint case and such suppression of

fact resulted in summoning order having been passed against the dead person namely Mohan Singh.

6. Learned counsel for the petitioners relies upon the judgment of this Court in the case of **Vameshwar Prasad Singh vs. The State of Jharkhand** reported in **2026:JHHC:1679** and passed in Cr.M.P. No. 1172 of 2023 dated 21.01.2026 and submits that therein, this Court relied upon the judgment of the Hon'ble Supreme Court of India in the case of **Vinod Natesan vs. State of Kerala & Others** reported in **(2019) 2 SCC 401** wherein, it has been mentioned that in the facts of that case where the dispute between the parties was a civil dispute and it was tried to be converted into a criminal dispute, the Hon'ble Supreme Court of India was of the view that the continuation of the criminal proceeding against the accused will be an abuse of process of law. Learned counsel for the petitioners next submits that in the facts of that case, this Court also relied upon the judgment of the Hon'ble Supreme Court of India in the case of **Dalip Kaur & Others vs. Jagnar Singh & Another** reported in **(2009) 14 SCC 696**, paragraph No.10 of which reads as under:-

> *"10. The High Court, therefore, should have posed a question as to whether any act of inducement on the part of the appellant has been raised by the second respondent and whether the appellant had an intention to cheat him from the very inception. If the dispute between the parties was essentially a civil dispute resulting from a breach of contract on the part of the appellants by non-refunding the amount of advance the same would not constitute an offence of cheating. Similar is the legal position in respect of an offence of criminal breach of trust having regard to its definition contained in Section 405 of the Penal Code. (See Ajay Mitra v. State of M.P. [(2003) 3 SCC 11 : 2003 SCC (Cri) 703])" (emphasis supplied)*

wherein, the Hon'ble Supreme Court of India has reiterated the settled principle of law that if the dispute between the parties was essentially a civil dispute resulting from a breach of contract on the part of the accused persons by non-refunding the amount of advance, the same would not constitute an offence of cheating.

7. Learned counsel for the petitioners further relies upon the judgment of the Hon'ble Supreme Court of India in the case of **Neelima Singh @ Neelima Kumari vs. The State of Jharkhand** reported in **2026:JHHC:426** and submits that in the facts of that case, this Court relied upon the judgment of the Hon'ble Supreme Court of India in the case of **Uma Shankar Gopalika vs. State of Bihar & Another** reported in **(2005) 10 SCC 336**, paragraph No.6 of which reads as under :-

> *"**6**. Xxxx xxxx xxxx It is well settled that every breach of contract would not give rise to an offence of cheating and only in those cases breach of contract would amount to cheating where there was any deception played at the very inception. If the intention to cheat has developed later on, the same cannot amount to cheating. In the present case it has nowhere been stated that at the very inception there was any intention on behalf of the accused persons to cheat which is a condition precedent for an offence under Section 420 IPC." (Emphasis supplied)*

wherein, the Hon'ble Supreme Court of India has reiterated the settled principle of law that every breach of contract would not give rise to an offence of cheating and only in those cases, breach of contract would amount to cheating; where there was any deception played at

the very inception and if the intention to cheat has developed later on, the same cannot amount to cheating.

8. Learned counsel for the petitioners lastly submits that even if the entire allegations made against the petitioners are considered to be true in their entirety, still none of the offences punishable under Sections 420, 467, 468 & 120-B of the Indian Penal Code is made out against the petitioners. Hence, it is submitted that the prayer as prayed for in this Criminal Miscellaneous Petition be allowed.

9. Learned Public Prosecutor appearing for the State and the learned counsel for the opposite party No.2 on the other hand vehemently oppose the prayer of the petitioners made in this Criminal Miscellaneous Petition and submit that if the entire allegations made against the petitioners are considered to be true in their entirety, then all the offences in respect of which sufficient ground has been found out by the learned Judicial Magistrate-1st Class, Bokaro to proceed *inter alia* against the petitioners, is in fact, being made out against the petitioners. Hence, it is submitted that this Criminal Miscellaneous Petition, being without any merit, be dismissed.

10. Having heard the rival submissions made at the Bar and after carefully going through the materials available in the record, so far as the offence punishable under Section 420 of the Indian Penal Code is concerned, the essential ingredients to constitute the offence punishable under Section 420 of the Indian Penal Code are as under:-

(a) Deceit, that is to say dishonest or fraudulent misrepresentation, and

(b) Inducing the person deceived to part with property;

as has been reiterated by the Hon'ble Supreme Court of India in the case of **Ram Narayan Popli vs. Central Bureau of Investigation** reported in **(2003) 3 SCC 641**.

11. Now coming to the facts of the case, there is no allegation against the petitioners of either deceiving or inducing the wife of the complainant or the complainant to part with any property nor they have parted with any property and in the absence of the same, this Court is of the considered view that even if the entire allegations made against the petitioners are considered to be true in their entirety, still the offence punishable under Section 420 of the Indian Penal is not made out against the petitioners.

12. So far as the offences punishable under Sections 467 & 468 of the Indian Penal Code are concerned, the essential ingredient to constitute the said offences is 'forgery'. The essential ingredients to constitute the offence of forgery punishable under Section 465 of the Indian Penal Code are:-

(i) The accused prepared a false document or electronic record;

(ii) *He did it with false meaning of written instrument for the purpose of fraud or deceit;*

(iii) The document or electronic record was prepared dishonestly or fraudulently;

(iv) He did it with the intention of causing wrongful gain to someone and wrongful loss to another.

as has been reiterated by the Hon'ble Supreme Court of India in the case of **Indian Bank vs. Satyam** reported in **(1996) 5 SCC 550.**

13. Now coming to the facts of the case, there is absolutely no allegation against the petitioners of making any false document as defined under Section 464 of the Indian Penal Code. The only allegation against the petitioners is that the father of the petitioners though agreed to purchase 10.25 decimals of land but purchased only eight decimals of land but did not purchase the remaining 2.25 decimals of land, which he was supposed to purchase, in terms of the said agreement.

14. It is a settled principle of law as has been reiterated by the Hon'ble Supreme Court of India in the case of **Sheila Sebastian vs. R. Jawaharaj** reported in **(2018) 7 SCC 581** that making of a document is different than causing it to be made as explanation 2 to Section 464 of the Indian Penal Code further clarifies that for constituting the offence under Section 464 of the Indian Penal Code, it is imperative that a false document is made and the accused person is the maker of the same; otherwise the accused person is not liable for the offence of forgery.

15. Now coming to the facts of the case, there is absolutely no allegation against the petitioners of making any false document. In the absence of any direct allegation of this essential ingredient to constitute the offence of forgery, this Court has no hesitation in holding that even if the entire allegations made against the petitioners are considered to be true in their entirety, still the offence of forgery is not made out against the petitioners and in the absence of the offence of forgery,

certainly the offence punishable under Sections 467 & 468 of the Indian Penal Code cannot be made out against the petitioners; even with the aid of Section 120-B of the Indian Penal Code.

16. In view of the discussions made above, as none of the offences in respect of which sufficient ground has been found out by the learned Judicial Magistrate-1st Class, Bokaro to proceed *inter alia* against the petitioners, is made out and also considering the facts that for the self-same allegation, though cognizance of the offences punishable under Section 420 & 34 of the Indian Penal Code was taken in connection with Complaint Case No. 1003 of 2015 vide order dated 18.09.2019 passed in Cr.M.P. No. 318 of 2017 with Cr.M.P. No. 2221 of 2017, but the same have already been quashed by the coordinate bench of this court, as already indicated above, in the foregoing paragraphs of this judgement. Hence, this Court is of the considered view that the continuation of the criminal proceeding against the petitioners will amount to abuse of process of law. Therefore, this is a fit case where the entire criminal proceedings including the order dated 26.11.2024 passed by the learned Judicial Magistrate-1st Class, Bokaro in Complaint Case No. 318 of 2024, be quashed and set aside against the petitioners named above.

17. Accordingly, the entire criminal proceedings including the order dated 26.11.2024 passed by the learned Judicial Magistrate-1st Class, Bokaro in Complaint Case No. 318 of 2024, is quashed and set aside against the petitioners named above.

18. In the result, this Criminal Miscellaneous Petition is allowed to the aforesaid extent.

19. In view of disposal of this Criminal Miscellaneous Petition, pending interlocutory application No.4140 of 2026 stands disposed of accordingly.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 04th of November, 2026
AFR/ Saroj

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