IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No. 4076 of 2022

1. Indu Devi, aged about 50 years, wife of Yogendra Vishwakarma
2. Yogendra Vishwakarma, aged about 59 years, son of Late Baidyanath Vishwakarma

Both residents of village- Doyee, P.O.- Ratanpur, P.S.- Ichak, Dist.- Hazaribagh ..... Petitioners

Versus

1. The State of Jharkhand
2. Dipak Thakur, S/o Vijay Thakur, R/o Village- Dharmu, P.O. &P.S.- Ichak, Dist.- Hazaribagh

….. Opposite Parties

For the Petitioner : Mr. Binod Kr. Dubey, Adv.
For the State : Mr. Achinto Sen, Addl. PP
For the O.P. No. 2 : Mr. Sadab Ansari , Adv.
Mr. Birendra Kumar , Adv.

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

By the Court:- Heard the parties.

2. This criminal miscellaneous petition has been filed invoking the jurisdiction of this Court under Section 482 of CrPC with the prayer for quashing and setting aside the First Information Report of Ichak P.S. case no. 156 of 2022 arising out of Complaint Case no. 745 of 2022, as well as the chargesheet dated 12.03.2024 and also the order taking congnizace dated 23.11.2024 passed by learned JMFC, Hazaribagh by which , learned JMFC, Hazaribagh has taken cognizance of the offences punishable under Sections 406, 420, 467, 468, 120B of IPC in connection with Ichak P.S. case no. 156 of 2022 arising out of Complaint Case no. 745 of 2022.

3. The allegation against the petitioners is that the petitioner no. 1 sold a land to the father of the informant along with Kishori Vishwakarma in the year 2014 but in the year 2021, when the informant went to construct a boundary wall over the said plot of land, it was found out that the land belongs to someone else.

4. It is submitted by learned counsel for the petitioners drawing attention of the Court to the supplementary affidavit dated 29.01.2026 wherein in page 5 of the same is the mutation correction slip, showing mutation of the land sold in favour of the mother of the informant, so it is submitted that informant has not come to the court with clean hands and the informant has not controverted the genuineness of the said mutation slip showing mutation of the case in the Register II as mentioned in page 6 of the said supplementary affidavit. It is next submitted that the dispute between the parties is basically a civil dispute and there is an inordinate delay in filing of the complaint which upon being referred to the police under Section 156 (2) of CrPC, the FIR of this case has been registered. It is next submitted that a cloak of criminal case has been given to a civil dispute only for the purpose of wrecking vengeance. It is next submitted that none of the offences in which the cognizance has been taken, is made out as no false document has been made by either of the petitioners nor they have cheated anybody nor they have committed any criminal breach of trust, hence, it is submitted that the prayers as made in this criminal miscellaneous petition be allowed.
5. Learned Addl. PP and learned counsel for the informant – Opp. Party no. 2 on the other hand oppose the prayer of the petitioners but do not dispute the genuineness of the page 5 and 6 of the supplementary affidavit dated 29.01.2026 filed by the petitioners which is a mutation slip of the mutation of the name of the mother of the informant in the Register II and submits that this Criminal Miscellaneous Petition being without any merit, be dismissed.
6. Having heard the submissions made at the Bar and after going through materials available in the record, this Court finds that it is the admitted case of the complainant - informant that the petitioners have executed the sale deed for which they took money by execution of the sale deed which has been annexed as Annexure 4 of this petition by the petitioner no. 1 and Kishori Vishwarama, who is the father-in-law of the petitioner no. 1. The

only grievance of the complainant- informant is that the petitioners got executed the sale deed in respect of the land, of which they were not the owners, hence, the mutation could not be done in favour of the mother of the informant but the undisputed fact remains that page no. 5 of the supplementary affidavit dated 29.01.2026, filed by the petitioners which is the mutation slip regarding mutation of the land in favour of the mother of the informant-complainant, which is no doubt an unimpeachable document and which falsifies the claim of the informant-complainant that the mutation could not be done in the name of the mother of the informant. This court finds that it is crystal clear from the facts of the case that there is no allegation of creation of any false document by either of the petitioners and in the absence of the same, the offence punishable under Sections 467 of IPC or Section 468 of IPC is not made out even with the aid of Section 120B of IPC.

7. So far as the offence punishable under Section 420 of IPC is concerned, since the petitioners have got executed the sale deed, in respect of which, they have received consideration amount, so even if the allegations made against the petitioners are considered to be true in their entirety still the same is insufficient to constitute the offence punishable under Section 420 of IPC even with the aid of Sections 120B of IPC more so because there is no allegation against the petitioner that the petitioner played deception since the very beginning of the transaction between the parties.
8. So far as the offence punishable under Sections 406 of IPC is concerned, as already indicated above, since the petitioners have executed the same in respect of which they have received money, no case of dishonest misappropriation of any money is made out against the petitioners which is a *sina qua non* to constitute the offence punishable under Sections 406 of IPC, even with the aid of Section 120B of IPC.
9. In view of the discussions made above, this Court is of the considered view that at the most, this is a civil dispute between

the parties and a cloak of criminal case has been given to a purely civil dispute for the purpose of wrecking vengeance hence continuation of this case will amount abuse of process of law.

10. Therefore this is a fit case where the First Information Report being Ichak P.S. case no. 156 of 2022 arising out of Complaint Case no. 745 of 2022, as well as the chargesheet dated 12.03.2024 and also the order taking cognizance dated 23.11.2024 passed by learned JMFC, Hazaribagh in connection with Ichak P.S. case no. 156 of 2022 arising out of Complaint Case no. 745 of 2022 be quashed and set aside against the petitioners.

11. Accordingly, the First Information Report being Ichak P.S. case no. 156 of 2022 arising out of Complaint Case no. 745 of 2022, as well as the chargesheet dated 12.03.2024 and also the order taking cognizance dated 23.11.2024 passed by learned JMFC, Hazaribagh in connection with Ichak P.S. case no. 156 of 2022 arising out of Complaint Case no. 745 of 2022 be quashed and set aside against the petitioners.

12. In the result, this Criminal Miscellaneous Petition is allowed.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated, the 27th April, 2026
Smita /AFR

Uploaded on 14.05.2026