# IN THE HIGH COURT OF JHARKHAND AT RANCHI
## Cr.M.P. No.1844 of 2026

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Ankit Kumar, aged about 32 years, Son of Binay Kumar Singh, resident of Pukar, P.O. + P.S. Pukar, District Jamui, State Bihar

… Petitioner

***Versus***

The State of Jharkhand … Opposite Party

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For the Petitioner : Mr. Pratik Sen, Advocate
For the State : Mr. Pankaj Kr. Mishra, Addl. P.P.

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**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 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the prayer to quash the entire criminal proceeding including the First Information Report in connection with Karra P.S. Case No.32 of 2026 registered for the offences punishable under Sections 316(2), 318(4), 338, 336(3), 351(2), 351(3), 61(2) and 3(5) of the B.N.S., 2023, now pending in the Court of learned Sub Divisional Judicial Magistrate, Khunti.

3. Learned counsel for the petitioner submits that though the investigation of the case is still going on but charge-sheet has not yet been submitted in this case.

4. The allegation against the petitioner is that the petitioner has purchased the land from the co-accused Shaukat Ansari. It is submitted that Shaukat Ansari was claiming ownership of the land sold by him to

the petitioner on the basis of a false genealogy according to which Shaukat Ansari represented himself to be the sole legal representative of Late Asruddin Ansari.

5. On the basis of the written report submitted by the informant, police registered Karra P.S. Case No.32 of 2026 and took up investigation of the case which is going on at present.

6. Learned counsel for the petitioner draws the attention of this Court towards Annexure-2 of the brief at page 40-50 which is the copy of the certified copy of the Complaint Case No.24 of 2026 of the Court of learned S.D.J.M., Khunti and submits that the same is a complaint case instituted by the informant on 15.04.2026 prior to lodging of this F.I.R. on 05.05.2026 but the fact that for the self-same occurrence, a complaint case has been filed has been suppressed.

7. Learned counsel for the petitioner relies upon the Judgment of the Hon'ble Supreme Court of India in the case of **Mohammed Ibrahim and Others Vs. State of Bihar and Another**, reported in **(2009) 8 SCC 751**, para -17, 19 and 23 of which reads as under:-

> *"17. When a document is executed by a person claiming a property which is not his, he is not claiming that he is someone else nor is he claiming that he is authorised by someone else. Therefore, execution of such document (purporting to convey some property of which he is not the owner) is not execution of a false document as defined under Section 464 of the Code. If what is executed is not a false document, there is no forgery. If there is no forgery, then neither Section 467 nor Section 471 of the Code are attracted.*
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> *19. To constitute an offence under Section 420, there should not only be cheating, but as a consequence of such cheating, the accused should have dishonestly induced the person deceived*
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> *(i) to deliver any property to any person, or*

> *(ii) to make, alter or destroy wholly or in part a valuable security (or anything signed or sealed and which is capable of being converted into a valuable security).*
>
> ***A clarification***
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> *23. When we say that execution of a sale deed by a person, purporting to convey a property which is not his, as his property, is not making a false document and therefore not forgery, we should not be understood as holding that such an act can never be a criminal offence. If a person sells a property knowing that it does not belong to him, and thereby defrauds the person who purchased the property, the person defrauded, that is, the purchaser, may complain that the vendor committed the fraudulent act of cheating. But a third party who is not the purchaser under the deed may not be able to make such complaint." (Emphasis supplied)*

and submits that therein the Hon'ble Supreme Court of India has laid down the law that when a document is executed by a person, claiming a property which is not his, he is not claiming that he is someone else nor he is claiming that he is authorized by someone else, the execution of such document is not execution of a false document as defined under Section 464 of the Indian Penal Code which corresponds to Section 335 of the B.N.S., 2023 except in respect of the purchaser of such property and in the absence of false document, the offence of forgery is not constituted.

8. Learned counsel for the petitioner next relies upon the Judgment of this Court in the case of **Dr. Satish Chandra & Anr. Vs. The State of Jharkhand and Anr.**, reported in **2025:JHHC:13928** and submits that therein this Court also relied upon the Judgment of the Hon'ble Supreme Court of India in the case of **Mohammed Ibrahim and Others Vs. State of Bihar and Another (supra)**.

9. Learned counsel for the petitioner next relies upon the Judgment of this Court in the case of **Sudha Devi & Ors. Vs. The State of**

**Jharkhand & Anr.**, reported in **2026:JHHC:371** and submits that therein this Court relied upon the Judgment of the Hon'ble Supreme Court of Indian in the case of **Krishna Lal Chawla & Others Vs. State of Uttar Pradesh & Another**, reported in **(2021) 5 SCC 435** para-13 and 26 of which read as under:-

> *"13. It is also crucial to note that in the fresh complaint case instituted by him, Respondent 2 seems to have deliberately suppressed the material fact that a charge-sheet was already filed in relation to the same incident, against him and his wife, pursuant to NCR No. 160 of 2012 (Crime No. 283 of 2017) filed by Appellant 1's son. No reference to this chargesheet is found in the private complaint, or in the statements under Section 200 CrPC filed by Respondent 2 and his wife. In fact, both the private complaint and the statement filed on behalf of his wife, merely state that the police officials have informed them that investigation is ongoing pursuant to their NCR No. 158 of 2012. The wife's statement additionally even states that no action has been taken so far by the police. It is the litigant's bounden duty to make a full and true disclosure of facts. It is a matter of trite law, and yet bears repetition, that suppression of material facts before a court amounts to abuse of the process of the court, and shall be dealt with a heavy hand (Ram Dhan v. State of U.P. [Ram Dhan v. State of U.P., (2012) 5 SCC 536 : (2012) 3 SCC (Cri) 237] ; K.D. Sharma v. SAIL [K.D. Sharma v. SAIL, (2008) 12 SCC 481] ).*
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> *26. It is a settled canon of law that this Court has inherent powers to prevent the abuse of its own processes, that this Court shall not suffer a litigant utilising the institution of justice for unjust means. Thus, it would be only proper for this Court to deny any relief to a litigant who attempts to pollute the stream of justice by coming to it with his unclean hands. Similarly, a litigant pursuing frivolous and vexatious proceedings cannot claim unlimited right upon court time and public money to achieve his ends." (Emphasis supplied)"*

wherein it has been held by the Hon'ble Supreme Court of India that it is the litigant's bounden duty to make a full and true disclosure of facts and suppression of material facts before a court amount to the abuse of the process of the court and shall be dealt with by a heavy hand.

10. Learned counsel for the petitioner further relies upon the Judgment of this Court in the case of **Ajay Sagar @ Ajay Prem Sagar & Anr. Vs. The State of Jharkhand & Anr.**, reported in **2023:JHHC:22142** wherein this Court relied upon the said principle of law settled in the case of **Krishna Lal Chawla & Others Vs. State of Uttar Pradesh & Another (Supra)**. It is also submitted that the similar case of the co-accused, with similar allegations, has already been quashed and set aside by this Court vide judgment dated 08th June, 2026 passed in the case of **Abhijeet Sharma & Another vs. The State of Jharkhand** reported in **2026:JHHC:16808 (Cr.M.P. No.1544 of 2026).** Hence, it is submitted that the prayer as prayed for in this Criminal Miscellaneous Petition, be allowed.

11. Learned Addl. P.P. on the other hand vehemently opposes the prayer of the petitioner as prayed for in this Criminal Miscellaneous Petition and submits that if the entire allegations made against the petitioner are considered to be true in their entirety, then the offences in respect of which the F.I.R. has been registered is made out against the petitioner. Hence, it is submitted that at this nascent stage, the entire criminal proceeding ought not to be quashed.

12. Having heard the rival submissions made at the Bar and after going through the materials available in the record, it is pertinent to mention here that the allegation of committing forgery is against the co-accused Shaukat Ansari. As has been held by the Hon'ble Supreme Court of India in the case of **Mohammed Ibrahim and Others Vs. State of Bihar and Another (supra)**, so far as the sale-deed executed by

Shaukat Ansari in favour of the petitioner is concerned, the complainant is a third party and certainly he could not initiate a criminal case against the petitioner as there is no allegation against the petitioner of having ever cheated the informant or made the informant part with money or any property after being deceived by the petitioner nor the informant entrusted any property to the petitioner.

13. 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 neither the offence punishable under Section 316(2) nor the offence punishable under Section 318(4) of the B.N.S., 2023 is made out against the petitioner.

14. So far the offence punishable under Section 338 and 336(3) of the B.N.S. are concerned, as already indicated above, since the vendor of the petitioner claims that he is the owner of the property and there is no allegation of impersonation, so no forgery can be said to have been committed by execution of the sale-deed by the vendor of the petitioner in favour of the petitioner. So even if the entire allegations made against the petitioner are considered to be true in their entirety, still neither the offence punishable under Section 338 nor the offence punishable under Section 336(3) of the B.N.S. is made out against the petitioner.

15. So far as the offence punishable under Section 351(2) of the BNS which relates to criminal intimidation and Section 351(3) of the B.N.S. relating to threat to cause death or grievous hurt etc. is concerned, the said allegations are also not against the petitioner.

16. Under such circumstances, this Court has no hesitation in holding that even if the entire allegations made in the F.I.R. are considered to be true against the petitioner, none of the offences in respect of which the F.I.R. has been registered is made out against the petitioner. Hence, continuation of this criminal proceeding against the petitioner will amount to abuse of process of law. Therefore, this is a fit case where the entire criminal proceeding including the First Information Report in connection with Karra P.S. Case No. 32 of 2026 which is now pending in the court of learned Sub Divisional Judicial Magistrate, Khunti, be quashed and set aside *qua* the petitioner named above.

17. Accordingly, the entire criminal proceeding including the First Information Report in connection with Karra P.S. Case No.32 of 2026 which is now pending in the Court of learned Sub Divisional Judicial Magistrate, Khunti, is quashed and set aside *qua* the petitioner named above.

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

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

High Court of Jharkhand, Ranchi
Dated the 25th of June, 2026
AFR/ Animesh
Uploaded on- 29/06/2026