

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<p>C482 No.1630 of 2022 <u>Hon'ble Alok Mahra, J.</u></p> <p>Mr. Rajesh Joshi, Advocate for the applicant.</p> <p>Mr. Akshay Latwal, A.G.A. for the State of Uttarakhand.</p> <p>There is no representation for respondent no.2.</p> <p>2. An F.I.R. was lodged at the instance of the applicant against respondent no.2 under Sections 420, 467, 468 and 469 of the I.P.C., alleging, inter alia, that respondent no.2, by way of fraudulent interpolation and manipulation of Government records, has falsely recorded the name of the applicant as her husband, despite there being no marital relationship between them. It is further alleged that such deliberate misrepresentation has caused serious prejudice and irreparable damage to the reputation and social standing of the applicant. Upon completion of investigation, however, the Investigating Agency submitted a charge-sheet only under Section 420 I.P.C. against respondent no.2. The learned trial Court, vide order dated 10.05.2022, took cognizance and proceeded to frame charges against respondent no.2 under Section 420 I.P.C. alone. Aggrieved by the said order of charge, the applicant preferred a Criminal Revision, which came to be dismissed by the learned Additional Sessions Judge, Ranikhet, District Almora, vide judgment dated 06.08.2022, holding that at the stage of framing of charge, the Court is only required to form a prima facie opinion</p>

			<p>and cannot undertake a meticulous examination of evidence or conduct a mini trial.</p> <p>3. It is pertinent to note that despite sufficient opportunities, no counter affidavit has been filed on behalf of respondent no.2, nor has any counsel put in appearance on her behalf on the last two dates of hearing, which prima facie indicates lack of contest to the present proceedings.</p> <p>4. Learned counsel for the applicant has drawn the attention of this Court to various documents, including the Maternity Card, Aadhaar Card, LIC records, and Gas Connection papers of respondent no.2, wherein the name of the applicant has been deliberately and consistently recorded as her husband. It is submitted that these documents clearly demonstrate a continuing course of conduct on the part of respondent no.2 to falsely project the applicant as her spouse, thereby constituting not only cheating but also offences relating to forgery and defamation, which have not been adequately considered by the Courts below.</p> <p>5. Heard learned counsel for the parties and perused the record. The F.I.R. was lodged alleging commission of offences not only under Section 420 I.P.C., but also under Sections 467, 468 and 469 I.P.C., on the specific accusation that respondent no.2, by way of deliberate interpolation and manipulation of Government and public records, projected the applicant as her husband despite there being no subsisting marital relationship. The allegations, thus, are not confined merely to cheating, but extend to serious offences involving</p>
--	--	--	---

forgery of valuable security, forgery for the purpose of cheating, and harm to reputation. From the material placed before the Court, including the Maternity Card, Aadhaar Card, LIC records and Gas Connection documents, it prima facie appears that the name of the applicant has been consistently recorded as husband of respondent no.2 across multiple independent documents. Such repeated and consistent entries, if found to be manipulated or falsely procured, cannot be said to be an isolated act of deception but rather indicate a continuing course of conduct, attracting ingredients of offences beyond Section 420 I.P.C.

6. It is well settled that at the stage of framing of charge, the Court is required to evaluate the material on record only to the extent of forming a prima facie opinion as to whether sufficient ground exists for proceeding against the accused. However, such prima facie satisfaction must be based on a holistic consideration of the entire material collected during investigation. The Court cannot adopt a narrow or truncated approach by confining itself to a single offence, when the allegations and supporting material disclose ingredients of other cognizable offences as well.

7. In the present case, both the learned trial Court as well as the revisional Court appear to have failed to advert to the nature of allegations and the documentary material in its correct perspective. The order framing charge only under Section 420 I.P.C., without considering whether a prima facie case is made out under Sections 467, 468 and 469 I.P.C., suffers from non-application of mind and a mechanical exercise of

jurisdiction.

8. Accordingly, the Criminal Miscellaneous Application is allowed and the impugned order dated 10.05.2022 passed by the learned trial Court, as well as the revisional judgment dated 06.08.2022 passed by the learned Additional Sessions Judge, Ranikhet, District Almora, are hereby set aside. The matter is remanded back to the learned trial Court with a direction to consider the entire material collected during investigation afresh and pass a reasoned order on the question of framing of charges, in accordance with law, including consideration of offences under Sections 467, 468 and 469 I.P.C., if made out on the basis of the record.

9. It is made clear that this Court has not expressed any opinion on the merits of the case, and the learned trial Court shall proceed independently, untrammelled by any observations made herein.

(Alok Mahra, J.)

04.05.2026

Arpan