

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**Cr.M.P. No. 3532 of 2023**

Sentu Choudhary @ Uma Shankar Choudhary, aged about 53 years,  
s/o late Mahesh Choudhary, resident of Murki Maa Talla, P.O. & P.S.-  
Pakur, Dist.-Pakur

.... Petitioner

Versus

1. The State of Jharkhand
2. Prabhat Kumar Trivedi, s/o late Himanshu Shekhar Triveni,  
resident of Rajapara, P.O.- Pakur (Main Post Office), P.S.-Pakur,  
Dist.-Pakur, Jharkhand

.... Opp. Parties

**P R E S E N T**

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

.....  
For the Petitioner : Mr. Ashok Kr. Sinha (4), Advocate  
For the State : Mr. Shiv S. Kumar, Addl. P.P.  
For O.P. No.2 : Ms. Nitu Sinha, Advocate  
.....

***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 entire criminal proceeding including the order dated 10.08.2023 passed by the learned C.J.M., Pakur, in connection with Pakur (T) P.S. Case No. 213 of 2022, corresponding to G.R. No. 599 of 2023 whereby and where under, the learned C.J.M., Pakur has taken cognizance of the offences punishable under Sections 406, 420, 467, 468, 469 and 471 of the Indian Penal Code.

3. The allegation against the petitioner is that the petitioner purchased the property belonging to the informant on the basis of the sale deed executed by the nephew of the informant in favour of the petitioner.
4. It is submitted by the learned counsel for the petitioner that there is no allegation against the petitioner of committing any forgery nor there is any allegation against the petitioner of inducing the informant or anyone else to part with any property or deceiving the informant or anyone else nor there is any allegation of entrustment of any property to the petitioner or dishonest misappropriation of any entrusted property; therefore, none of the offences in respect of which charge sheet has been submitted and cognizance has been taken by the learned C.J.M., Pakur is made out, even if the entire allegations made against the petitioner are considered to be true, in their entirety. Hence, it is submitted that the prayer as made in this criminal miscellaneous petition be allowed.
5. The learned Addl. P.P. and the learned counsel for the opposite party no.2 on the other hand vehemently oppose the prayer and submit that the petitioner being the local resident was well aware that his vendor was not the owner of the property. Hence, it is submitted that this criminal miscellaneous petition being without any merit be dismissed.
6. 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 it is a settled principle of law as has been held by the Hon'ble Supreme Court of India in the case of **Mohammed Ibrahim & Ors. vs. State of Bihar & Anr.** reported in (2009) 8 SCC 751, paragraph no.21 of which reads as under:-

*"21. It is not the case of the complainant that any of the accused tried to deceive him either by making a false or misleading representation or by any other action or omission, nor is it his case that they offered him any fraudulent or dishonest inducement to deliver any property or to consent to the retention thereof by any person or to intentionally induce him to do or omit to do anything which he would not do or omit if he were not so deceived. Nor did the complainant allege that the first appellant pretended to be the complainant while executing the sale deeds. Therefore, it cannot be said that the first accused by the act of executing sale deeds in favour of the second accused or the second accused by reason of being the purchaser, or the third, fourth and fifth accused, by reason of being the witness, scribe and stamp vendor in regard to the sale deeds, deceived the complainant in any manner."*

wherein, the Hon'ble Supreme Court of India has held that a person without having ownership of a property but without any impersonation, sells a property to another person, it is only the purchaser who can proceed against the vendor for having committed the offence of cheating and not any third party to the transaction between them can allege commission of the offence of cheating.

7. Now coming to the facts of the case, the informant is the third party to the sale deed executed by the co-accused- nephew of the informant namely Indranil Chatterjee and the petitioner is undisputedly the purchaser of the property. There is no allegation against the petitioner of committing any forgery.

Thus, in the absence of the offence of forgery none of the offences punishable under Sections 467, 468, 469 and 471 of the Indian Penal Code is made out. There is no allegation against the petitioner of deceiving anyone or inducing anyone to part with any property and in the absence of the same, the offence punishable under Section 420 of the Indian Penal Code is not made out.

8. Further, there is no allegation against the petitioner of being entrusted with any property or causing misappropriation of any entrusted property and in the absence of the same, the offence punishable under Section 406 of the Indian Penal Code is not made out.
9. In view of the discussions made above, as none of the offences in respect of which the learned C.J.M., Pakur has taken cognizance is made out against the petitioner even if the entire allegations made against the petitioner are considered to be true, in their entirety, this Court is of the considered view 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 entire criminal proceeding including the order dated 10.08.2023 passed by the learned C.J.M., Pakur, in connection with Pakur (T) P.S. Case No. 213 of 2022, corresponding to G.R. No. 599 of 2023 be quashed and set aside *qua* the petitioner.
10. Accordingly, the entire criminal proceeding including the order dated 10.08.2023 passed by the learned C.J.M., Pakur, in

connection with Pakur (T) P.S. Case No. 213 of 2022, corresponding to G.R. No. 599 of 2023 is quashed and set aside *qua* the petitioner.

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

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

High Court of Jharkhand, Ranchi  
Dated the 18<sup>th</sup> March, 2026  
AFR/Gunjan/-

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