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MCRC-37442-2024

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE B. P. SHARMA

ON THE 31st OF MARCH, 2026MISC. CRIMINAL CASE No. 37442 of 2024*PAWAN MITTAL AND OTHERS**Versus**STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Shri Anuj Agarwal - Advocate for petitioners.

Shri Aditya Jain - Advocate for respondent Nos. 2 & 3.

Shri Jitendra Shrivastava - PL for respondent/State.

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ORDER

The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 482 of the Code of Criminal Procedure, 1973) seeking quashment of the order dated 25.05.2024 passed by the learned Judicial Magistrate First Class, Katni in UNCR No. 1885/2022, whereby the learned Magistrate directed registration of an FIR against the present petitioners. Pursuant to the said order, FIR No. 321/2024 has been registered at Police Station Sleemnabad, District Katni.

2. The dispute arises out of demarcation proceedings initiated at the instance of M/s Ankit Tracam Pvt. Ltd. with respect to certain land situated at Katni. On an application filed by the said Company under Section 129 of the M.P. Land Revenue Code, the revenue authorities conducted spot inspection and demarcation proceedings. Thereafter, proceedings for removal of encroachment were undertaken under Section 250 of the said Code. By



order dated 28.02.2019, the Naib Tehsildar directed removal of the encroachment and restoration of possession of the land to the Company. In compliance with the said order, the revenue authorities removed the encroachment and restored possession of the land to the Company on 15.07.2020 after preparation of a spot panchnama.

3. The legal heirs of late Narendra Jain challenged the said proceedings before the Sub-Divisional Officer; however, the appeal was dismissed by order dated 28.11.2020. Thereafter, W.P. No. 11015/2021 was filed before this Court. By order passed in the said writ petition, the earlier revenue proceedings were set aside on the limited ground that Narendra Jain had expired prior to the earlier demarcation proceedings. This Court also directed the competent authority to conduct an enquiry against the erring officials.

4. Pursuant to the aforesaid directions, departmental proceedings were initiated against the concerned Revenue Inspector and fresh demarcation proceedings were undertaken during October–November 2022 after issuing notices to all stakeholders, including respondent Nos. 2 to 5. Upon such fresh demarcation, the revenue authorities again found respondent Nos. 2 to 5 to be encroachers over the land belonging to the Company.

5. In the meantime, petitioner No. 1 had also lodged an FIR against respondent Nos. 2 and 3 in the year 2021 in relation to disputes concerning the said land. Thereafter, allegedly as a counterblast to the aforesaid FIR, respondent Nos. 2 to 5 filed a complaint before the learned Magistrate alleging commission of offences under Sections 166, 167, 182, 193, 197,



198, 199, 200, 208, 209, 218, 219, 420, 467, 468, 471, 211, 120-B and 34 of the IPC against the present petitioners and certain revenue officials. The primary allegation in the complaint was that the earlier demarcation proceedings falsely recorded the presence of Narendra Jain despite the fact that he had expired prior thereto.

6. The learned Magistrate examined respondent No. 2 under Section 200 of the Code of Criminal Procedure. Thereafter, by order dated 25.05.2024, the learned Judicial Magistrate First Class, Katni directed registration of an FIR under Section 156(3) of the Cr.P.C. Aggrieved by the said order and the consequential FIR registered against them, the present petition has been filed seeking quashment of the impugned order as well as the ensuing criminal proceedings.

7. Learned counsel for the petitioners submits that the petitioners are not signatories to any of the demarcation proceedings conducted by the revenue authorities. It is contended that no specific overt act has been attributed to the petitioners in the complaint. The entire dispute, according to the petitioners, essentially arises out of a land dispute and is civil in nature.

8. It is further submitted that the learned Magistrate has passed the impugned order in a mechanical manner without recording any satisfaction regarding the ingredients of the offences alleged in the complaint. Learned counsel submits that the complaint merely contains bald and omnibus allegations without specifying the role of the present petitioners.

9. It is also contended that in the subsequent demarcation proceedings conducted in October–November 2022, respondent Nos. 2 to 5



were again found to be encroachers over the land belonging to the Company. The Company had filed an application under Section 250 of the M.P. Land Revenue Code solely on the basis of the report submitted by the Revenue Inspector regarding encroachment. The petitioners, according to the learned counsel, had no personal knowledge about the death of Narendra Jain at the relevant point of time.

10. Learned counsel for the petitioners has also produced a chart containing a brief analysis of the provisions invoked in the complaint and submits that none of the essential ingredients of the offences punishable under Sections 166, 167, 182, 193, 197, 198, 199, 200, 208, 209, 218, 219, 420, 467, 468, 471, 211, 120-B and 34 of the IPC are made out against the present petitioners. It is, therefore, contended that the impugned order is manifestly illegal and arbitrary and amounts to abuse of the process of law. Continuation of the criminal proceedings against the petitioners, who are neither public servants nor the authors of any alleged false record, would result in gross miscarriage of justice. Learned counsel for the petitioner has placed reliance upon the judgments of Hon'ble Supreme Court in the case of *Sheila Sebastian Vs. R. Jawaharaj* (AIR 2018 SC 2434) and *Mohd. Ibrahim Vs. State of Bihar* [(2009) 8 SCC 751] and the decision of this Court in the case of *Smt. Usha Ajay Singh Vs. State of M.P.* decided on 27.3.2023 (Cr.A. No.180/2018) and the decision of Gwalior Bench in the case of *Smt. Asha Shivhare and Ors. Vs. Pradeep Shivhare* decided on 16.12.2025 (M.Cr.C. No.9270/2024). In view of the aforesaid, it is prayed that the impugned order dated 25.05.2024 passed by the learned Judicial Magistrate First Class and



consequence thereto FIR No. 321/2024 has been registered at Police Station Sleemnabad, District Katni may be set aside.

11. *Per contra*, learned counsel appearing for respondents has opposed the petition and supported the impugned order passed by the learned Magistrate. It is submitted that the complaint discloses commission of cognizable offences and the learned Magistrate, upon due consideration of the material available on record, has rightly exercised powers under Section 156(3) of the Cr.P.C. for registration of the FIR.

12. It is further submitted that the allegations made in the complaint disclose serious offences relating to fabrication of records, cheating and criminal conspiracy, which require proper investigation by the police. At this preliminary stage, the Court ought not to examine the veracity of the allegations or conduct a meticulous analysis of the evidence.

13. Learned counsel thus submits that the learned Magistrate has passed the impugned order after considering the statement recorded under Section 200 of the Cr.P.C. and the material placed before him, and therefore the order directing registration of the FIR does not suffer from any illegality warranting interference by this Court in exercise of its inherent jurisdiction. It is accordingly prayed that the present petition, being devoid of merit, deserves to be dismissed.

14. This Court has carefully considered the rival submissions and perused the material available on record. Upon such consideration, this Court finds that the continuation of the criminal proceedings against the present petitioners would amount to abuse of the process of law.



15. At the outset, it is evident that the entire genesis of the dispute lies in demarcation proceedings undertaken by the revenue authorities under the provisions of the M.P. Land Revenue Code. The demarcation report, which forms the foundation of the criminal case, is an official document prepared by the competent revenue officials in discharge of their duties. There is nothing on record to indicate that the present petitioners had any role whatsoever in the preparation of the said report.

16. It is of considerable significance that the petitioners have not signed any official or unofficial document relating either to the demarcation proceedings or to the mutation proceedings. There is also no material to demonstrate that the petitioners had made any representation or communication to any authority regarding the status, presence, or death of late Narendra Jain. The allegation that a deceased person was shown as present in the demarcation report, even if accepted on its face, pertains to the conduct of the revenue officials who prepared such report, and not to the petitioners.

17. Further, this Court finds that there is absolutely no material on record to establish any meeting of minds or agreement so as to constitute an offence of criminal conspiracy. The essential ingredient of *mens rea* is conspicuously absent. Mere allegation that the petitioners may have derived some indirect advantage from the demarcation proceedings cannot, in law, be sufficient to infer their involvement in a criminal conspiracy, particularly in the absence of any cogent evidence.

18. It is also noteworthy that the petitioners cannot be said to be



beneficiaries of any alleged false information regarding the death or presence of late Narendra Jain. The record does not disclose as to who furnished such information to the revenue authorities, nor does it indicate any active role played by the petitioners in that regard. In absence of such foundational facts, fastening criminal liability upon the petitioners would be wholly unjustified.

19. This Court further finds that there is no legally admissible evidence available against the petitioners which would even *prima facie* connect them with the commission of the alleged offences. The allegations, as they stand, are vague, omnibus and lacking in specificity.

20. A perusal of the order passed by the learned Magistrate under Section 156(3) Cr.P.C. reveals that the same has been passed without proper application of judicial mind. The Magistrate has failed to consider whether the complaint discloses the essential ingredients of the offences alleged or whether there exists sufficient material to direct registration of FIR. The order appears to have been passed in a mechanical manner.

21. In the considered opinion of this Court, the criminal proceedings in the present case have been initiated on a misconceived premise, arising out of a civil dispute, and are clearly attended with *mala fide* intent. Continuation of such proceedings would not only amount to abuse of the process of law but would also result in miscarriage of justice.

22. In view of the aforesaid analysis, this Court is of the considered view that the present petition deserves to be allowed. Accordingly, the petition is allowed. The order dated 25.05.2024 passed by the Learned



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Judicial Magistrate First Class, Katni in UNCR No.1885/2022 directing registration of FIR, and subsequently FIR No.321/2024 registered at Police Station Sleemnabad, District Katni, along with all subsequent proceedings arising therefrom, are hereby quashed against the present petitioners only.

No order as to costs.

(B. P. SHARMA)
JUDGE

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