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**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

SANJAY KAROL; J., VIPUL M. PANCHOLI; J.

SLP (Crl.) No. 15537, 16049 of 2023; 22 May, 2026

BHIKHUBHAI GOVINDBHAI PATEL & ANR. *versus* THE STATE OF GUJARAT & ANR.

Criminal Procedure Code, 1973 (CrPC) — Section 482 — Quashing of FIR — Civil Dispute Given a Criminal Colour — Extraordinary Delay — Improvement in Subsequent Complaint - Criminal proceedings cannot be permitted to become a weapon of harassment and coercion in disputes predominantly concerning title over immovable property - High Court erred in refusing to exercise its inherent jurisdiction under Section 482 of the CrPC where a long-standing property dispute pending before civil courts since the year 2000 was converted into criminal proceedings - In frivolous or vexatious proceedings, the Supreme Court owes a duty to look into attending circumstances emerging from the record over and above the averments in the FIR - Where the initial complaint dated 21.05.2009 did not contain any allegation of extortion, demand of money, or criminal intimidation, but a subsequent FIR lodged after seven months introduced these grave allegations for the first time, such material improvements support the contention that the criminal proceedings are an afterthought to criminalize a civil dispute - An unexplained and extraordinary delay of nearly eight to nine years in registering the FIR (incidents pertaining to 2001, FIR registered in 2009), coupled with circumstances creating serious doubt about the genuineness of the prosecution, warrants quashing - A State Government Circular discouraging registration of FIRs in civil disputes cannot justify the complete inaction of the complainant who was actively litigating before civil courts and had alternative legal remedies available under Sections 154(3), 156(3), and 200 of the CrPC. [Relied on *Mohd. Wajid v. State of U.P.*, (2023) 20 SCC 219; *State of Haryana v. Bhajan Lal*, AIR 1992 SC 604; *Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra*, 2021 SCC OnLine SC 315; Paras 30-60]

Indian Penal Code, 1860 (IPC) — Sections 463, 464, 465, 467, 468, and 471 — Forgery — Making of a "False Document" — Disputed Claim of Title - The essential ingredient of forgery is the making of a "false document" as defined under Section 464 of the IPC - When a person executes a document (such as a Power of Attorney) claiming a property as their own or asserting a share pursuant to revenue entries, they are not pretending to be someone else, nor is it a case of impersonation or forged signatures - A disputed claim of title, whether ultimately sustainable in law or not, cannot be equated with the making of a false document - If the document is not a false document, there is no forgery, and Sections 467 and 471 of the IPC are not attracted. [Relied on *Mohd. Ibrahim v. State of Bihar*, (2009) 8 SCC 751]

Indian Penal Code, 1860 (IPC) — Section 420 — Cheating — Essential Ingredients - To constitute the offence of cheating, there must exist deception, fraudulent inducement, and consequential delivery of property coupled with dishonest intention at the inception of the transaction - A disputed civil claim pending before a competent civil court cannot automatically be treated as a fraudulent misrepresentation so as to attract Section 420 of the IPC, especially in the absence of any allegation that the complainant delivered any property, money, or valuable security to the accused.

Indian Penal Code, 1860 (IPC) — Sections 384, 504, 506, and 511 — Extortion & Criminal Intimidation — Vague Allegations - Where the FIR fails to specify the date, place, or exact circumstances of the alleged demand of money, and no property or money was actually delivered pursuant to such a threat, the ingredients of extortion under Section 384 are absent - General observations that the accused "tried" to extort money cannot automatically attract Section 511 of the IPC when the substantive allegations are completely vague - allegations under Sections 504 and 506 fail when the FIR does not disclose the exact words uttered or the surrounding circumstances of intimidation - when substantive offences are not made out, the charge of conspiracy under Section 120-B necessarily fails - Criminal antecedents cannot constitute the sole or even the primary basis to decline the quashing of criminal proceedings under Section 482 of the CrPC - It is the duty of the Court to see whether the essential ingredients of the alleged offences in the impugned FIR are prima facie made out - General observations regarding the "modus operandi" or "proclivity" of the accused cannot replace the requirement of fulfilling the basic ingredients of the offences.

For Petitioner(s): Mr. Nachiketa Joshi, Sr. Adv. Mr. Aniket Seth, Adv. Mr. Sai Shashank, Adv. Ms. Sucheta Joshi, Adv. Mr. Rushabh Kapadia, Adv. Mr. Vishal Arun Mishra, AOR Mr. Nachiketa Joshi, Sr. Adv. Mr. Sucheta Joshi, Adv. Mr. Sai Shashank V, Adv. Mr. Karishma Rajput, Adv. Ms. Sagarika Arya, Adv. Mr. Mohit Joshi, Adv. Mr. Ayush Anand, AOR

For Respondent(s): Ms. Swati Ghildiyal, AOR Ms. Sonakshi Sinha, Adv. Mr. Dhaval D Vyas, Sr. Adv. Mr. Chanchal Kumar Ganguli, AOR Ms. Suruchi Suri, Adv. Mr. Pratyush Jagirdar, Adv.

J U D G M E N T

VIPUL M. PANCHOLI, J.

1. Leave granted.
2. The present appeals arise out of the common judgment and order dated 07.11.2023 passed by the High Court of Gujarat at Ahmedabad in Criminal Misc. Application No. 780 of 2010 and Special Criminal Application No. 620 of 2010, whereby the High Court declined to exercise its jurisdiction under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as "the CrPC") for quashing the criminal proceedings initiated at the instance of respondent No. 2.
3. SLP (Crl.) No. 15537 of 2023 was filed by accused Nos. 3 and 4 and SLP (Crl.) No. 16049 of 2023 was filed by accused No. 6. Since the appeals arise from a common judgment and involve interconnected facts and issues, they are being disposed of by this common judgment.
4. The brief facts as per the appellants are that the land bearing Survey No. 157 situated at Village Panas admeasuring approximately 5.5 acres was jointly purchased on 03.06.1957 by the six children of Nemabhai Patel, including the father of the appellants, Govindbhai Patel and the father of respondent No. 2, Chhaganbhai Patel. As per respondent No. 2, the said property belonged exclusively to his Hindu Undivided Family.
5. A settlement decree dated 21.07.1987 passed in Special Civil Suit No. 339/1985 was never acted upon and became unenforceable by limitation under Article 136 of the Limitation Act. Thereafter, on 19.02.1988, the competent authority under the Urban Land Ceiling Act, 1976 (hereinafter referred to as "the ULC Act") recognised 1/3rd shares in favour of the branch of appellants and respondent No. 2, thereby overriding the earlier settlement decree under Section 42 of the ULC Act. According to the appellants, this order was never challenged by respondent No. 2.

6. It is the case of the appellants that respondent No. 2 thereafter procured a fraudulent compromise decree dated 28.11.1988 in Special Civil Suit No. 176/1988 by using a fictitious person described as “Kishorbhai Govindbhai Patel” and forged compromise documents. Based on the said decree, Mutation Entry No. 2183 dated 01.06.1991 was mutated in the revenue records without following the prescribed procedure under the Gujarat Land Revenue Code, 1879.
7. The appellants instituted Special Civil Suit No. 377/2000 on 05.08.2000 seeking declaration of their $\frac{2}{3}$ rd share in the property. In the said suit, the High Court of Gujarat granted adinterim injunction on 20.02.2002, which was subsequently made absolute on 22.07.2003. It is the case of the appellants that in the written statement filed by respondent No. 2 on 12.09.2000, he claimed exclusive ownership solely on the basis of the fraudulent 1988 decree and no allegation of criminal intimidation, extortion or forgery was made against the appellants at that stage.
8. On 01.11.2001, accused nos. 1 to 5 executed a Power of Attorney in favour of accused no. 6 for conducting the civil proceedings. According to the appellants, the execution of the Power of Attorney was consistently affirmed before various courts and was never disputed by respondent No. 2 during the civil litigation.
9. Subsequently, on 13.04.2003, the Mamlatdar lodged FIR No. 136/2003 against respondent No. 2 in relation to forgery committed in the ULC Act proceedings and the fraudulent decree obtained in Special Civil Suit No. 176/1988, pursuant to which a chargesheet came to be filed on 10.08.2004.
10. It is the case of the appellants that despite the subsisting injunction order operating in their favour, respondent No. 2 lodged a complaint after a delay of about nine years before the DCB Police Station on 21.05.2009 without making any allegation of extortion or monetary demand. Thereafter, suppressing the earlier complaint, respondent No. 2 lodged another complaint before the Special Operations Group, which came to be registered as FIR No. I-CR No. 504/2009 on 31.12.2009, under Sections 420, 465, 467, 468, 471, 504, 120B, 384, 511 and 144 of the Indian Penal Code, 1860 (hereinafter referred to as “the IPC”), wherein for the first time allegations of extortion of Rs.1.5 crores were introduced.
11. Aggrieved thereby, the appellants approached the High Court of Gujarat by filing Criminal Miscellaneous Application No. 780/2010 with the prayer to quash the FIR No. I-CR No. 504/2009 dated 31.12.2009, wherein the High Court initially stayed further proceedings on 29.01.2010 and later modified the order on 14.02.2014 directing that no arrest shall be effected and no charge sheet shall be filed without permission of the High Court.
12. By the impugned judgment and order dated 07.11.2023 passed by the High Court of Gujarat in Criminal Miscellaneous Application No. 780/2010, the High Court dismissed the appellants’ application and permitted filing of the chargesheet.
13. The appellants thereafter approached this Court by way of the present Special Leave Petitions challenging the refusal of the High Court to quash the criminal proceedings.
14. Mr. Nachiketa Joshi, learned senior counsel appearing on behalf of the appellants, submitted that the impugned FIR is a misuse of criminal law to put pressure on the appellants in a long-standing civil property dispute. The dispute regarding Survey No. 157 has been pending before civil courts since 2000 and injunction orders were operating in favour of the appellants. It is submitted that throughout the long civil litigation, respondent

No. 2 never alleged extortion, forgery, intimidation or conspiracy before any civil court. Reliance is placed upon *Joseph Salvaraja v. State of Gujarat*,¹ *Devendra v. State of U.P.*,² and *Pooja Ravinder Devidasani v. State of Maharashtra*,³ to contend that criminal proceedings cannot be permitted where the dispute is essentially civil in nature and initiation of prosecution amounts to abuse of process.

15. It is further submitted that even if the FIR allegations are accepted as true, none of the alleged offences are made out. Regarding offences of forgery under Sections 465, 467, 468 and 471 of the IPC, it is argued that the Power of Attorney mentioned in the FIR had been knowingly executed by all parties and had been repeatedly confirmed before courts and investigating authorities. There is no allegation that signatures were forged or that any impersonation took place. Relying upon *Mohd. Ibrahim v. State of Bihar*,⁴ it is argued that merely claiming title over disputed property or executing documents relating to such property does not amount to creating a “false document” under Section 464 of the IPC.

16. With respect to Section 420 of the IPC, it is argued that the FIR does not state that any property was delivered because of deception, which is an essential requirement for cheating. Similarly, the allegation of extortion under Section 384 of the IPC was said to be baseless because there is no allegation that money or property was actually delivered due to threats. Reliance is placed upon *Isaac Isanga Musumba v. State of Maharashtra*,⁵ to contend that extortion is not established unless property is delivered because of intimidation.

17. It was also argued that the first complaint dated 21.05.2009 did not contain any allegation of extortion or demand for money. The allegation that Rs. 1.5 crores was demanded appeared for the first time only in the later FIR. The allegations under Sections 504 and 506 of the IPC were also described as vague because the FIR does not mention any specific date, place or exact words amounting to insult or criminal intimidation. Therefore, according to learned counsel, offences under Sections 511 and 120-B of the IPC also cannot survive.

18. It is further argued that the FIR is based on an improved second complaint that deliberately concealed the earlier complaint dated 21.05.2009, the later FIR introduced entirely new allegations of extortion after seven months. Relying on *T.T. Anthony v. State of Kerala*,⁶ it is submitted that a second FIR on the same cause of action is not permissible. The absence of details such as date, time, place or witnesses for the alleged extortion demand was said to show that the allegations were fabricated with mala fide intention.

19. Learned counsel also stressed the unexplained delay of nearly nine years in lodging the FIR. The incidents in question relate to 2001, but the FIR was registered only on 31.12.2009. During this period, respondent No. 2 never used remedies available under the CrPC, nor approached the High Court. Importantly, despite ongoing civil litigation up to this Court, no allegation of forgery, extortion or conspiracy was ever raised earlier. Reliance is placed upon *Sujal Vishwas Attavar v. State of Maharashtra*,⁷ and *Mohd. Wajid*

¹ (2011) 7 SCC 59

² (2009) 7 SCC 495

³ (2014) 16 SCC 1

⁴ (2009) 8 SCC 751

⁵ (2014) 15 SCC 357

⁶ (2001) 6 SCC 181

⁷ 2026 INSC 442

v. State of U.P.,⁸ to argue that such an unexplained delay and the improbabilities in the case justify quashing of the proceedings.

20. It is argued that the High Court ignored the ULC Act Order dated 19.02.1988, which recognised 1/3rd shares in favour of both branches. The High Court was also said to have relied on an incorrect town planning statement unrelated to Survey No. 157. It is further submitted that dismissal of AFO No. 100/2002 concerned only interim injunction and did not decide ownership rights. Additionally, it is argued that the High Court wrongly linked the appellants with the Dimple Texofilaments transaction, even though the disputed sale deeds were executed by an impostor named “Durgesh Chaudhary,” against whom the appellants themselves filed a police complaint in 2012 after discovering the fraud. Reliance is also placed upon Anand Kumar Mohatta v. State (NCT of Delhi),⁹ and Abhishek v. State of M.P.,¹⁰ to argue that the High Court can still quash proceedings under Section 482 of the CrPC even if a charge sheet is filed or ready to be filed.

21. Lastly, it is argued that the High Court wrongly relied on the criminal antecedents of the appellants while refusing to quash the FIR. Referring again to Mohd. Wajid v. State of U.P. (supra), it is argued that antecedents cannot replace the requirement of proving the ingredients of the alleged offences. It is submitted that the allegation of extortion was absent in the original complaint and was later introduced only to harass the appellants and deprive them of their civil rights.

22. On these grounds, learned counsel argued that the case falls within the settle categories where proceedings should be quashed under Section 482 of the CrPC, namely, where a civil dispute is given a criminal colour, where a second FIR is improperly filed, where the ingredients of offences are absent, where there is extraordinary delay, and where the criminal process is being abused.

23. Accordingly, it was prayed that the impugned judgment dated 07.11.2023 be set aside and the impugned FIR along with all consequential proceedings be quashed in the interest of justice and for protection of the rights of appellants under Article 21 of the Constitution.

24. Per contra, Mr. Dhaval D. Vyas, learned senior counsel appearing on behalf of respondent No. 2, argued that the impugned judgment passed by the High Court is correct and does not require any interference by this Court. The High Court passed a detailed and reasoned order after examining a large amount of documentary evidence collected during investigation as well as the past conduct of the appellants. It is submitted that the present matter is not merely a civil dispute, but involves serious criminal offences such as forgery, cheating, extortion and criminal conspiracy relating to valuable immovable property.

25. At the outset, it is submitted that Survey No. 157 had exclusively fallen to the share of the branch of Chhaganbhai Nemabhai Patel under the compromise decree dated 21.07.1987 passed in Special Civil Suit No. 339/1985 and all family members acted upon this decree. It is further pointed out that sale deeds executed by the branches of Govindbhai and Dayarambhai during 1989-1990 also acknowledged the partition and accepted their respective shares under the decree. Mutation Entry No. 2183, certified on 01.06.1991, was also made in accordance with the decree and was never challenged. It was further argued that the later compromise decree dated 28.11.1988 in Special Civil

⁸ (2023) 20 SCC 219

⁹ (2019) 11 SCC 706

¹⁰ 2023 SCC OnLine SC 1083

Suit No. 176/1988 did not change ownership of Survey No. 157 but only clarified distribution within the branches.

26. It is further submitted that the appellants and the co-accused had no legal right or interest in Survey No. 157, yet they conspired to create false claims over the property by executing forged powers of attorney and filing Special Civil Suit No. 377/2000. The Power of Attorney dated 01.11.2001 was part of a planned conspiracy to create confusion regarding title and enable illegal transfer of rights in the property. It was stated that the appellants sold portions of the property to Dimple Texofilament without authority and later executed powers of attorney to support those transactions.

27. It was further argued that accused No. 6 is a habitual land grabber who follows a pattern of filing false litigation in disputed property matters to extort money or force settlements. Learned counsel referred to several FIRs registered against accused No. 6 involving offences under Sections 420, 465, 467, 468, 471, 384 and 120-B of the IPC. It is submitted that in many of those cases, quashing petitions were either withdrawn or matters were settled, which showed a repeated pattern of coercive conduct.

28. Learned counsel also relied upon the findings of the High Court that the appellants acted in collusion with other accused persons to grab the property even though they knew that it exclusively belonged to the branch of respondent No. 2 under the 1987 decree. It is submitted the appellants knowingly executed documents without title and thereby committed offences of forgery, cheating and conspiracy. It is submitted that the High Court correctly observed that dishonest intention is the key element of forgery and that the conduct of the accused clearly reflected such intention.

29. Regarding the allegation of extortion, it is submitted that in February 2002, accused No. 6 and his associates contacted respondent No. 2 and demanded Rs. 1.5 crores or alternatively a partnership in the property, while threatening serious consequences if the demand was refused. It is argued that accused No. 6 claimed to have invested large sums in the land and tried to pressure respondent No. 2 into a settlement. These allegations are sufficient to constitute offences under Sections 384 and 506 of the IPC and actual payment of money is not necessary at the stage of deciding a quashing petition under Section 482 of the CrPC.

30. As regards the delay in lodging the FIR, it is argued that the delay was not intentional. It is submitted that because of a State Government Circular dated 23.07.2003, which directed police authorities not to register FIRs in civil disputes, the police repeatedly refused to register the complaint despite repeated representations made by respondent No. 2. Therefore, the FIR cannot be treated as an afterthought or a malicious prosecution.

31. Learned counsel also disputed the reliance of the appellants on the ULC Act proceedings and Town Planning redistribution statements. It is argued that the ULC proceedings were based on records as they existed in 1976 and did not consider the later compromise decree of 1987. Similarly, the redistribution statements relied upon by the appellants were said to be based on incomplete records and could not override a binding civil court decree. Therefore, the High Court rightly held that the decree and mutation entries conclusively established ownership in favour of the branch of respondent No. 2.

32. It is submitted that the reliance of the High Court on the criminal antecedents of accused No. 6 is correct and it is further clarified that the antecedents were not treated as the sole basis for rejecting the quashing petition, but were considered together with the evidence collected during investigation. Relying upon *Neeharika Infrastructure Pvt. Ltd. v.*

State of Maharashtra,¹¹ it is argued that where investigation reveals prima facie commission of cognizable offences, criminal proceedings should not ordinarily be stopped at the initial stage.

33. Accordingly, learned counsel submitted that the FIR allegations, documentary evidence, conduct of the accused and findings of the High Court together establish prima facie offences under Sections 420, 465, 467, 468, 471, 384, 506 and 120-B of the IPC.

34. On these grounds, it is prayed that the present appeals be dismissed and that the criminal proceedings qua the appellants should continue in accordance with law.

35. We have heard learned senior counsel appearing for the respective parties at considerable length and have carefully examined the impugned judgment and order passed by the High Court of Gujarat as well as the material placed on record.

36. The principal question which arises for our consideration is whether the High Court was justified in refusing to exercise its jurisdiction under Section 482 of the CrPC for quashing FIR No. I-CR No. 504/2009 dated 31.12.2009 registered with Umra Police Station, Surat, for offences punishable under Sections 420, 465, 467, 468, 471, 504, 120-B, 384, 511 and 114 of the IPC and the consequential criminal proceedings.

37. At the outset, it is required to be noted that the dispute between the parties pertains to title and ownership over ancestral immovable property bearing Survey No. 157 situated at Village Panas, Surat. The record reveals that civil proceedings in respect of the said property have remained pending since the year 2000. The appellants instituted Special Civil Suit No. 377/2000 asserting their claim to $\frac{2}{3}$ rd share in the suit property and that the dispute has travelled through multiple rounds of litigation before the civil courts, the High Court and even this Court.

38. It is pertinent to note that throughout the civil litigation for several years, respondent No. 2 never alleged commission of offences such as extortion, criminal intimidation, forgery or conspiracy by the appellants. On perusal of the written statement filed by respondent No. 2 in the civil proceedings, being Special Civil Suit No. 377/2000, it is true that respondent No. 2 asserted exclusive ownership over the property but did not contain the allegation of any criminal conduct committed by the appellants. To our minds, this circumstance is of importance because the said allegations were levelled in the impugned FIR and are related to events occurring in or around the year 2001, i.e., during the period of the civil litigation.

39. On perusal of the chronology of events, it is also revealed that respondent No. 2 initially lodged a complaint dated 21.05.2009 before the DCB Police Station. Admittedly, the said complaint did not contain any allegation of extortion, demand of money, criminal intimidation or threats. However, after a gap of nearly seven months, respondent No. 2 lodged the impugned FIR dated 31.12.2009, introducing, for the first time, allegations that accused No. 6 had demanded Rs.1.5 crores and threatened respondent No. 2 with dire consequences.

40. The High Court in the impugned judgment, despite noting down this sequence of events, failed to examine the legal effect of suppression of the earlier complaint and the material improvement introduced in the subsequent impugned FIR. In our view, the subsequent introduction of allegations of extortion, demand of money and intimidation in the second complaint materially alters the nature and complexion of the dispute and supports the contention of the appellants that the criminal proceedings are an afterthought

¹¹ 2021 SCC OnLine SC 315

intended to give criminal colour to a longstanding civil dispute. Though respondent No. 2 contended that the subsequent FIR merely elaborated upon earlier allegations, we find that the allegation of extortion, which is one of the grave accusations in the FIR, was absent in the first complaint and surfaced only subsequently. Thus, such material improvements cannot be ignored while examining whether the criminal process is being abused or not.

41. The delay in registration of the FIR is another circumstance which cannot be ignored. The incidents in question pertain to the year 2001 whereas the FIR came to be registered only on 31.12.2009 after a delay of nearly eight to nine years. The High Court accepted the explanation offered by respondent No. 2 that a Government Circular dated 23.07.2003 discouraged registration of FIRs involving civil disputes. In our view, the said explanation is not wholly satisfactory. The circular itself cannot explain the inaction by respondent No. 2 between 2001 and 2009, particularly when respondent No. 2 was actively litigating before competent courts throughout the said period and had access to all legal remedies including under Sections 154(3), 156(3) and 200 of the CrPC.

42. Recently, this Court, in *Mohd. Wajid v. State of U.P.* (supra), held that where delay is coupled with circumstances creating serious doubt about the genuineness of the prosecution, the proceedings may warrant quashing. The relevant paragraphs read as under:

“36. At this stage, we would like to observe something important. Whenever an accused comes before the Court invoking either the inherent powers under Section 482 of the Code of Criminal Procedure (CrPC) or extraordinary jurisdiction under Article 226 of the Constitution to get the FIR or the criminal proceedings quashed essentially on the ground that such proceedings are manifestly frivolous or vexatious or instituted with the ulterior motive for wreaking vengeance, then in such circumstances the Court owes a duty to look into the FIR with care and a little more closely.

37. We say so because once the complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance, etc. then he would ensure that the FIR/complaint is very well drafted with all the necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, it will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not.

38. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under Section 482CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of investigation. Take for instance the case on hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances the registration of multiple FIRs assumes importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged.”

43. We shall now examine whether the allegations contained in the impugned FIR, even if taken at face value, disclose the ingredients of the alleged offences.

44. Insofar as offences under Sections 465, 467, 468 and 471 of the IPC are concerned, the principal allegation relates to the execution of the Power of Attorney dated 01.11.2001 by accused Nos. 1 to 5 in favour of accused No. 6. The High Court proceeded on the premise that since accused Nos. 1 to 5 lacked title over the property, execution of the Power of Attorney and institution of civil proceedings amounted to forgery. In our opinion,

the approach of the High Court is legally unsustainable. The essential ingredient of forgery under Section 463 of the IPC is the making of a “false document” within the meaning of Section 464 of the IPC. It is not the case of respondent No. 2 that the signatures appearing on the Power of Attorney were forged or fabricated and it is not alleged that the executants were impersonated or that the document was fabricated by someone pretending to be another person. On the contrary, the execution of the document by accused Nos. 1 to 5 is admitted. The consistent case of the appellants has been that they possessed a subsisting claim and share in the ancestral property pursuant to the ULC Act proceedings and related revenue entries. Whether such a claim is ultimately sustainable in law or not is a matter for adjudication before the competent civil court. Therefore, the High Court erred in equating a disputed claim of title with the making of a false document.

45. The law on this issue is settled by this Court in *Mohd. Ibrahim v. State of Bihar* (supra), wherein it was held that when a person executes a document claiming property as his own, there is no making of a false document merely because the claim is ultimately found to be incorrect. The relevant paragraph 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.”

46. Similarly, the ingredients of the offence of cheating punishable under Section 420 of the IPC are also absent, i.e. to constitute the offence of cheating, there must exist deception, fraudulent inducement and consequential delivery of property coupled with dishonest intention at the inception of the transaction. There is no allegation in the FIR that respondent No. 2 delivered any property, money or valuable security to the appellants pursuant to deception or inducement and importantly, the material on record does not disclose dishonest intention at inception. The High Court in the impugned judgment observed that “false representation” was made by the accused persons despite knowing that they had no title. However, the foundation of the pending civil suit is the claim of the appellants that they possessed 1/3rd share in the property pursuant to the ULC Act proceedings and related revenue records and thus, a disputed civil claim cannot automatically be treated as fraudulent representation so as to attract Section 420 of the IPC.

47. The allegations regarding extortion under Section 384 of the IPC are also unsustainable. In the FIR, respondent No. 2 alleges that accused No. 6 demanded Rs.1.5 crores or alternatively partnership in the property. However, the FIR neither specifies the date, place or circumstances of such demand nor there is an allegation that respondent No. 2 actually delivered any property or money pursuant to such threat, which as an essential ingredient of extortion.

48. The High Court in the impugned judgment further observed that the accused persons “tried” to extort money and therefore Section 511 of the IPC would apply. However, we are unable to accept such reasoning. The allegations under Sections 504 and 506 of the IPC are also vague in nature. The FIR does not disclose the exact words uttered, the nature of the threat administered or the surrounding circumstances constituting intimidation.

49. Once the substantive offences themselves are not made out, the allegations of conspiracy under Section 120-B of the IPC necessarily fails in the present case.

50. It is pertinent to note that the High Court has placed reliance upon the criminal antecedents of accused No. 6 while declining to exercise jurisdiction under Section 482 of the CrPC. The law on the issue was settled recently by this Court in *Mohd. Wajid v. State of U.P.* (supra), wherein it has been held that criminal antecedents cannot constitute the sole or even the primary basis to decline quashing of criminal proceedings. The High Court in the impugned judgment, though observing that antecedents were not the “sole criterion”, has made general observations regarding “modus operandi” and “proclivity” of accused No. 6, the pendency of earlier complaints and the circumstance that certain proceedings had previously been quashed on the basis of settlements. In our considered view, it is for the Court to see whether the essential ingredients of the alleged offences in the impugned FIR are made out or not. As observed hereinabove, we have discussed in detail with respect to the delay in filing the impugned FIR, absence of ingredients of the alleged offences, the dispute is purely civil in nature and therefore, in such circumstances, antecedents of accused No. 6, cannot be a ground for dismissal of the present appeals.

51. We are also unable to agree with the findings recorded by the High Court regarding ownership and title over the suit property, which are all matters squarely falling within the jurisdiction of the competent civil court. While exercising jurisdiction under Section 482 of the CrPC, the Court is not expected to conduct a mini trial or adjudicate disputed questions of title and ownership.

52. The present case, viewed in its peculiar facts and circumstances, constitutes all the characteristics of a civil property dispute, which is sought to be converted into criminal proceedings, after several years of civil litigation. We are of the opinion that the criminal process cannot be permitted to become a weapon of harassment and coercion in disputes concerning title over immovable property.

53. We are conscious of the principles laid down by this Court in the recent decision of *Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra* (supra) that courts should ordinarily refrain from interfering at the threshold stage of investigation. However, the said judgment itself recognises that where the allegations do not disclose the commission of cognizable offences or where criminal proceedings manifestly amount to abuse of process, the High Court is duty-bound to exercise its inherent jurisdiction under Section 482 of the CrPC.

54. The present case falls squarely within the well-settled categories warranting interference under Section 482 of the CrPC as delineated in *State of Haryana v. Bhajan Lal*,¹² namely, where the dispute is predominantly civil in nature, where the allegations fail to disclose the essential ingredients of the alleged offences, where the criminal proceedings are manifestly attended with mala fide intention, where there is extraordinary and unexplained delay, and where continuation of the prosecution would amount to abuse of process of court.

55. In view of the aforesaid discussion, we are of the considered opinion that the High Court, in the impugned judgment, committed an error in refusing to exercise its jurisdiction under Section 482 of the CrPC for quashing the impugned FIR and consequential criminal proceedings and thus warrants interference of this Court.

56. The present appeals are accordingly allowed.

¹² AIR 1992 SC 604

57. The impugned common judgment and order dated 07.11.2023 passed by the High Court of Gujarat at Ahmedabad in Criminal Miscellaneous Application No. 780 of 2010 and Special Criminal Application No. 620 of 2010 is hereby set aside.

58. FIR No. I-CR No. 504/2009 dated 31.12.2009 registered with Umra Police Station, Surat, for offences punishable under Sections 420, 465, 467, 468, 471, 504, 120-B, 384, 511 and 114 of the IPC and all consequential proceedings arising therefrom, including any charge-sheet filed pursuant thereto, are hereby quashed and set aside qua the appellants.

59. It is clarified that observations made hereinabove are confined solely to adjudication under Section 482 of the CrPC and shall not influence adjudication of pending civil proceedings concerning title and ownership over the suit property.

60. Pending applications, if any, shall stand disposed of.

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