



1 MCRC-8058-2024  
IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR

BEFORE  
HON'BLE SHRI JUSTICE HIMANSHU JOSHI  
ON THE 15<sup>th</sup> OF SEPTEMBER, 2026  
MISC. CRIMINAL CASE No. 8058 of 2024

*PREM MASIH*  
*Versus*  
*THE STATE OF MADHYA PRADESH*

.....  
Appearance:

Shri Anil Khare - learned Senior Advocate with Shri Harjas Singh Chhabra - Advocate for the petitioner.

Shri Prashant Singh - learned Advocate General with Shri B.D. Singh - Additional Advocate General - for respondent/State.  
.....

ORDER

This petition under Section 482 of the Code of Criminal Procedure, 1973 has been preferred by the petitioner seeking quashment of FIR bearing Crime No.35/2023 registered by the Economic Offence Wing, Jabalpur Unit, for offences punishable under Sections 406, 420, 467, 468, 471 and 120-B of the Indian Penal Code and all consequential proceedings arising therefrom.

2. The prosecution case, as disclosed from the FIR, is that during investigation of another crime registered against co-accused P.C. Singh, it came to light that on 07.06.2019 a lease/assignment in respect of land admeasuring 4000 sq.ft., situated at Plot Nos.15/1, 15/8, 15/9 and 15/10, Block No.4, Civil Station, Jabalpur, was executed in favour of P.C. Singh for a consideration of Rs.74,34,920/-. The FIR alleges that the land stood in the



name of United Church of North India Trust Association (UCNITA) and the petitioner, who was its Managing Director, executed the assignment/lease deed in favour of co- accused P.C. Singh. During investigation, a report was obtained from the Sub-Divisional Officer, Ranjhi, regarding the revenue records of the land. According to the said report, the earlier lease had expired on 31.03.1999. However, the Nazul Khasra entry relied upon at the time of registration of the transaction mentioned the expiry date as 31.03.2029. The prosecution has consequently alleged that the relevant Nazul Khasra entry was *prima facie* forged and that the petitioner and co-accused P.C. Singh entered into a conspiracy to sub-lease Government land, thereby causing wrongful loss to the State.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated and that the FIR does not disclose any specific overt act on his part except that he signed the lease deed in his capacity as Managing Director of UCNITA. It is submitted that the Committee of Management of UCNITA had authorised the transaction pursuant to the Bishop Rehabilitation Policy and the relevant resolutions dated 23.03.2019 and 03.05.2019. Copies of the resolutions and minutes have been filed as Annexure-P/2 and Annexure-P/3, while the assignment/lease deed has been filed as Annexure-P/4. Learned counsel submits that the alleged forged Nazul Khasra entry was not prepared or submitted by the petitioner and that there is no allegation that he derived any personal benefit from the transaction. It is further submitted that the lease was subsequently renewed up to 31.03.2029 and, therefore, there was no loss to the State exchequer.



The relevant renewal documents have been filed as Annexure-P/5. Reliance is also placed upon Form-H and the Revenue Book Circular dated 01.05.2018, filed as Annexures-P/6 and P/7, to contend that no criminality can be attributed to the petitioner.

4. It is further argued that the petitioner was merely an employee of UCNITA and was acting pursuant to the resolutions of its Committee of Management. The consideration was paid directly to UCNITA and not to the petitioner. It is therefore submitted that there was neither dishonest intention nor any material showing that the petitioner participated in preparation or use of any forged document. According to learned counsel, even if the allegations in the FIR are taken at their face value, the ingredients of Sections 406, 420, 467, 468, 471 and 120-B IPC are not made out. It is thus prayed that the FIR and consequential proceedings be quashed in exercise of inherent jurisdiction. He has placed reliance upon the decision of Hon'ble the Supreme Court in the cases of **Mahmood Ali and others vs. State of Uttar Pradesh and Others [(2023) 15 SCC 488]**, **Sheila Sebastian vs. R. Jawaharaj and Another [(2018) 7 SCC 581]**, **Shiv Kumar Jatia vs. State of NCT of Delhi [(2019) 17 SCC 193]**, **Delhi Race Club (1940) Limited and Others vs. State of Uttar Pradesh and Another [(2024) 10 SCC 690]**.

5. Learned counsel for the State opposes the petition and submits that the FIR discloses serious allegations involving Government/Nazul land and an alleged manipulation of revenue records. It is contended that the petitioner admittedly executed the relevant transaction on behalf of UCNITA and his role, knowledge and intention are matters to be determined on the basis of



investigation and evidence. The documents relied upon by the petitioner, including the alleged subsequent renewal of lease, cannot be conclusively examined in proceedings under Section 482 Cr.P.C. It is submitted that the investigation should be permitted to proceed in accordance with law.

6 . Heard learned counsel for the parties and perused the material available on record.

7. In the present case, the FIR cannot be said to be devoid of specific allegations. The prosecution has alleged that the petitioner, while functioning as Managing Director of UCNITA, executed the lease/assignment in favour of co-accused P.C. Singh; that the transaction concerned valuable Nazul land; that the revenue record relied upon at the time of the transaction showed the lease to be subsisting up to 31.03.2029; whereas the report obtained during investigation records expiry of the earlier lease on 31.03.1999; and that the disputed document was used for facilitating the transaction. The allegation of conspiracy between the petitioner and co-accused is also specifically contained in the FIR.

8. The defence of the petitioner that he acted only pursuant to the resolutions of the Committee of Management, that he did not prepare or submit the disputed revenue document, and that he obtained no personal benefit, involves questions of fact. Likewise, the effect of the subsequent renewal of the lease, the validity of the revenue entries, the requirement of permission from the competent authority and the applicability of the Revenue Book Circular are matters which cannot be conclusively determined at this stage merely on the basis of documents relied upon by the petitioner.



9. It is also not necessary that each accused must have personally derived monetary benefit for an offence of cheating, forgery or criminal conspiracy to be investigated. The precise role of the petitioner, his knowledge regarding the status of the lease and the circumstances in which the transaction was executed are matters which have to be ascertained during investigation and, if necessary, proved at trial.

10. The submission that the petitioner merely acted as an employee pursuant to the resolutions of UCNITA also cannot, at this stage, completely absolve him of criminal liability. Whether the resolutions authorised the particular transaction, whether the petitioner acted *bona fide* pursuant thereto and whether he had knowledge of any irregularity or manipulation are all matters requiring examination of the relevant records and other evidence.

11. The subsequent renewal of the lease, even if established, would not by itself erase the allegations concerning the alleged forged document or the circumstances existing on the date of execution of the transaction. Similarly, whether any actual financial loss was caused to the State is not the sole test for determining whether the offences alleged in the FIR are disclosed.

12. Thus, the material placed before this Court does not make out a case where the allegations, taken at their face value, fail to disclose any cognizable offence. Rather, the FIR discloses allegations requiring investigation. The defence sought to be raised by the petitioner cannot be adjudicated in the present proceedings by undertaking a mini-trial.

13. The judgments relied upon by the learned Senior Counsel for the petitioner are clearly distinguishable, as they were rendered in the context of



materially different facts and circumstances. Therefore, the principles laid down therein cannot be applied to the present case, which stands on its own distinct factual matrix.

14. Consequently, this Court finds no exceptional circumstance warranting exercise of inherent jurisdiction under Section 482 Cr.P.C. in favour of the petitioner. The petition is, accordingly, **dismissed**.

15. However, respondents/authorities are directed to complete the investigation within a period of 60 days from today.

(HIMANSHU JOSHI)  
JUDGE

iv