



\* IN THE HIGH COURT OF DELHI AT NEW DELHI

Reserved on: 30<sup>th</sup> October, 2025  
Pronounced on: 24<sup>th</sup> December, 2025  
Uploaded on: 25<sup>th</sup> December, 2025

+ CRL.M.C. 6495/2019, CRL.M.A. 42827/2019

VED PRAKASH & ORS

.....Petitioners

Through: Mr. Ramesh Gupta, Senior Advocate  
 with Mr. Shailendra Singh, Mr.  
 Ishaan Jain and Mr. Surya Pratap  
 Singh, Advocates.

versus

STATE (NCT OF DELHI) & ORS.

.....Respondents

Through: Mr. Hemant Mehla, APP for State  
 with SI Ravi Kumar, PS-Najafgarh.  
 Mr. Manoj Joshi, Advocate for R-2.

**CORAM:**

**HON'BLE MR. JUSTICE SANJEEV NARULA**

### **JUDGMENT**

#### **SANJEEV NARULA, J:**

1. This petition under Section 482 of the Code of Criminal Procedure, 1973<sup>1</sup>, assails the summoning order dated 19<sup>th</sup> September, 2019 passed by the CMM, Dwarka Courts, Delhi, and the revisional order dated 16<sup>th</sup> November, 2019 passed by the ASJ, Dwarka Courts, dismissing the Petitioners' challenge to the said summoning order.

#### **FACTUAL MATRIX**

2. The dispute arises from a private complaint instituted by Late Sh. Sukhbir Singh, son of Late Sh. Chunni Lal, against his co-legal heirs (the

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<sup>1</sup> "CrPC"



Petitioners). Upon the demise of the complainant on 3<sup>rd</sup> April, 2017, Respondent No. 2, his son is pursuing the compliant.

3. The controversy relates to certain agricultural land forming part of the estate of Late Sh. Chunni Lal, situated within the jurisdiction of SDM Najafgarh, Delhi, and recorded in the revenue records under Khata/Khatoni No. 105/2018, comprising various Khasra numbers in the concerned village.

4. The complainant's case was that, without his knowledge or consent, an application for mutation in respect of the said land was moved before the Tehsildar, Najafgarh, in the joint names of the legal heirs. It was alleged that the complainant had neither signed the mutation application nor the affidavit said to accompany it, and that his signatures thereon had been forged by the accused persons.

5. Apprehending misuse of the alleged forged documents to deal with his share in future, the complainant addressed representations to the revenue authorities and lodged a complaint with the SHO, P.S. Najafgarh, on 31<sup>st</sup> August, 2015. When no action followed, he approached higher authorities.

6. The complainant then approached the Magistrate. A status report noted an *inter se* dispute among the heirs concerning the estate of Late Sh. Chunni Lal and recorded that, on a comparison, the signatures on the mutation affidavit appeared to differ from the complainant's signatures.

7. By order dated 2<sup>nd</sup> March, 2016, the Magistrate dismissed the complainant's application under Section 156(3) CrPC, observing that the allegation of forgery was unsupported by handwriting expert opinion. The revision was dismissed on 21<sup>st</sup> March, 2017, with Sessions Court observing that, even assuming forgery, the necessary dishonest or fraudulent intention was not made out since mutation primarily records devolution of names in



revenue records.

8. After the complainant's demise, Respondent No. 2 deposed as CW-1 and reiterated the allegations. A Patwari from the office of the SDM, Najafgarh, also deposed and produced the relevant revenue record.

9. On 14<sup>th</sup> February, 2019, the questioned and admitted signatures of the complainant were sent to the FSL, Rohini. In its report dated 29<sup>th</sup> May, 2019, the FSL stated that it was not possible to express any opinion on the material available and suggested that further admitted signatures, preferably executed prior to the questioned signatures, be supplied for examination.

10. Despite the inclusive FSL opinion, the Magistrate, invoking Section 73 of the Indian Evidence Act, 1872<sup>2</sup> visually compared the signatures and recorded, in strong terms, that the difference between the questioned and admitted signatures was "astonishing", "as different as chalk and cheese", and that the Court was "anguished and amused" at the inability of the FSL to express a clear opinion. Proceeding on that premise, the Magistrate then held that offences under Sections 419, 420, 467, 468 and 471 read with Section 34 Indian Penal Code, 1860<sup>3</sup> IPC were made out, and summoned all the legal heirs except two (Late Narayani Devi and Late Satpal). The revision was dismissed by the Sessions Court, observing that the Petitioners' submissions could be considered at the stage of charge.

### **CONTENTIONS**

11. Mr Ramesh Gupta, Senior Counsel for the Petitioners, assails the impugned orders on the following grounds:

11.1. The summoning order dated 19<sup>th</sup> September, 2019 suffers from serious legal infirmities, as there was material to justify summoning. The

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<sup>2</sup> "IEA"



FSL report being inconclusive, the Magistrate could not have disregarded the expert opinion and proceeded to compare the disputed signatures on his own.

11.2. Respondent No. 2 (CW-1) suppressed a material fact. In mutation proceedings concerning the same land, he made a statement before the SDM on 9<sup>th</sup> October, 2017 recording no objection to mutation in favour of all legal heirs as per natural succession. The SDM's order dated 2<sup>nd</sup> April, 2018, recording this statement, reads as follows:

*“During proceeding before this Court, Sukhbir Singh S/o of late Chandgi Ram has died and his son namely Sh. Kishan Yadav has stated on record vide the statement dated 09.10.2017 that he does not have any objection if the suit land is mutated in the name of legal heirs of Late Sh. Chuni Lal as per the law of natural succession.”*

This non-disclosure by respondent No.2 when he deposed as CW-1 on 7<sup>th</sup> April, 2018 amounts to suppression of a crucial circumstance, which would have materially impacted the summoning order. Reliance is placed on ***MCD v. State of Delhi***.<sup>4</sup>

11.3. Even on the complainant's case, the mutation records the names of all legal heirs, including the complainant's branch. The summoning order, however, proceeds as if the alleged false affidavit necessarily translates into cheating and forgery aimed at depriving the complainant. Reliance in this regard is placed on the Supreme Court judgements in ***Mariam Fasihuddin & Ors. v. State & Ors.***<sup>5</sup>, and ***Jupally Lakshmikantha Reddy v. State of Andhra Pradesh & Ors.***<sup>6</sup>

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<sup>3</sup> “IPC”

<sup>4</sup> AIR 2005 SC 2658.

<sup>5</sup> MANU/SC/0051/2024.

<sup>6</sup> 2025 INSC 1096.



11.4. Since the alleged forgery pertained to documents filed before the SDM in quasi-judicial proceedings, the appropriate course was to move the SDM concerned. In view of the bar under Section 195 CrPC, the complaint before the Magistrate was itself not maintainable.

11.5. Continuation of the criminal proceedings at the instance of Respondent No. 2 is motivated and constitutes an abuse of the process of court which warrants exercise of this Court's inherent jurisdiction under Section 482 CrPC to quash the impugned summoning orders. Reliance in this regard is placed on *State of Haryana & Ors. v. Bhajan Lal & Ors.*<sup>7</sup>, and *Pradeep Kumar Kesarwani v. State of UP.*<sup>8</sup>

12. *Per Contra*, Mr Manoj Joshi, counsel for respondent No. 2, supports the impugned orders and, in substance, submits are as follows:

12.1. A summoning order is not required to be an elaborate or detailed order. Relying on the decision of the Supreme Court in *Bhushan Kumar & Anr. v. State (NCT of Delhi)*,<sup>9</sup> it is submitted that Section 204 CrPC merely requires the Magistrate to form an opinion that there is sufficient ground to proceed, and does not mandate recording of detailed reasons. The impugned summoning order is, in any event, a detailed and speaking order.

12.2. The summoning order rests on legally admissible material and suffers from no infirmity. The FSL report, while inconclusive in the absence of further admitted signatures, does not preclude the court from exercising its power under Section 73 IEA. The Magistrate, upon comparing the questioned and admitted signatures, recorded a clear *prima facie* finding of dissimilarity.

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<sup>7</sup> AIR 1992 SC 604.

<sup>8</sup> (2025) SCC OnLine 1947.

<sup>9</sup> (2012) 5 SCC 422.



12.3. Once the Magistrate has exercised this statutory power and recorded a *prima facie* view, the Petitioners cannot seek re-appreciation of factual aspects in proceedings under Section 482 CrPC.

12.4. Use of forged signatures and a false affidavit in the mutation proceedings itself discloses dishonest intent and forms part of a larger design to deprive the complainant's family of its lawful share in the property, with the apprehension of future misuse of such forged signatures. It is therefore contended that the matter ought to proceed to trial and that the authorities relied upon by the Petitioners are distinguishable.

### **ANALYSIS**

13. The petition does not ask the Court to certify the Petitioners' conduct in the revenue proceedings as unimpeachable. It presents a narrower question, and a sterner one. Even if the complainant's version is assumed to be correct at face value, does the material disclose the basic ingredients of cheating and forgery so as to justify putting several legal heirs through a full criminal trial for offences under Sections 419, 420, 467, 468 and 471 read with Section 34 IPC.

### ***NATURE OF THE DISPUTE AND THE CIVIL BACKDROP***

14. It is not in dispute that late Sh. Sukhbir Singh and the Petitioners are co-legal heirs of Late Sh. Chunni Lal. The land is ancestral agricultural land. No stranger is introduced into the revenue record. The grievance is confined to the manner in which mutation was pursued.

15. The core allegation is that an application for mutation and an accompanying affidavit, purporting to bear the complainant's signatures, were filed before the Tehsildar without his knowledge or consent, and that his signatures were forged to facilitate mutation. The complainant



apprehended that such documents could be misused in future to deal with his share in the property.

16. Three features stand out on the record:

- (i) the mutation ultimately records the complainant's name as co-heir. No share is deleted or diverted to an outsider;
- (ii) in the mutation proceedings before the SDM, Respondent No. 2 made a no-objection statement for mutation in favour of all legal heirs as per natural succession, and the SDM thereafter directed mutation accordingly; and
- (iii) this SDM order and the earlier no-objection were not disclosed when Respondent No. 2 pursued the complaint.

17. It is against this backdrop the following questions arise for consideration in this petition:

- (i) Whether, even assuming that the complainant did not sign the mutation application and supporting affidavit, the material on record discloses the essential ingredients of cheating under Sections 415, 419 and 420 IPC, including the requirement of deception, dishonest or fraudulent inducement, and consequential delivery of property or injury?
- (ii) Whether, on the same assumption, the material discloses the ingredients of forgery as defined in Sections 463 and 464 IPC, and the aggravated forms alleged under Sections 467, 468 and 471 IPC, including the requirements of a "false document", intent to commit fraud, and the concept of "valuable security"?
- (iii) Whether continuation of the criminal proceedings, in the totality of the circumstances, amounts to an abuse of process warranting interference under Section 482 CrPC, applying the principles in *Bhajan Lal, Rajiv*



*Thapar v. Madan Lal Kapoor*,<sup>10</sup> and more recent decisions such as *Pradeep Kumar Kesarwani*?

### ***CHEATING UNDER SECTIONS 415, 419 AND 420 IPC***

18. Sections 419 and 420 IPC are not stand-alone offences. They are consequences of cheating as defined in Section 415 IPC. Section 419 merely prescribes punishment for cheating by personation. Section 420 deals with cheating coupled with dishonest inducement leading to delivery of property or interference with a valuable security. The statutory sequencing is explicit: Section 420 begins with the words “whoever cheats and thereby dishonestly induces...”. Unless the ingredients of Section 415 are first disclosed, neither Section 419 nor Section 420 can be pressed into service.<sup>11</sup>

19. Section 415 embodies a defined structure to construe the offence. The prosecution must show deception, followed by inducement of the kind the statute recognises, backed by the requisite *mens rea* at inception. In one branch, the inducement must be “fraudulent or dishonest” and must result in delivery of property or consent to retention of property. In the other branch, the inducement must lead the deceived person to do or omit an act which he would not otherwise do or omit, and the act or omission must cause, or be likely to cause, harm in body, mind, reputation or property. This is not a provision that criminalises every act of sharp practice; it criminalises deception only when it is tethered to the particular consequences the statute identifies.

20. The Code itself preserves the distinction between “dishonestly” and “fraudulently”. Section 24 defines “dishonestly” by reference to wrongful

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<sup>10</sup> 2013 (3) SCC 330.

<sup>11</sup> *Mohd. Ibrahim v. State of Bihar* (2009) 8 SCC 751; *A.M. Mohan v. State* (2024) 12 SCC 181.





gain or wrongful loss. Section 25 defines “fraudulently” as acting with intent to defraud. The Supreme Court, in *Dr. Vimla v. Delhi Admn.*<sup>12</sup>, explains that “defraud” is not exhausted by deceit. It requires deceit plus injury to the person deceived; and that injury need not be purely economic, it can include harm to body, mind, reputation, or other legally cognisable detriment. But the injury cannot be assumed. It must be anchored in the facts alleged and the statutory consequence asserted.

21. These legal principles matter here because the summoning order proceeds as though impersonation, by itself, completes the offence. That is not the law. Cheating by personation under Section 416 (and punishment under Section 419) still presupposes “cheating” under Section 415. Personation is the mode of deception; it is not a substitute for the remaining statutory ingredients.

22. On the complainant’s own case, the “dishonesty” limb fails at the threshold. Dishonesty under Section 24 IPC requires an intention to cause “wrongful gain” or “wrongful loss” as defined in Section 23 IPC, namely, namely, gain of property by unlawful means to which the person gaining is not legally entitled, or loss of property by unlawful means to which the person losing it is legally entitled.

23. The Petitioners are undisputed legal heirs, and the mutation records the names of all legal heirs, including the complainant. No outsider is introduced, and no share is shown to have been deleted, curtailed or diverted. On these allegations, no intention to cause wrongful gain to the Petitioners or wrongful loss to the complainant can even be inferred. The foundational mental element of dishonest cheating is therefore absent.

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<sup>12</sup> 1962 SCC OnLine SC 172.



24. The Section 420 charge fails for a second and independent reason. Section 420 is not attracted by every false representation. It is attracted only where cheating results in dishonest inducement leading to delivery of property or the making, altering, or destruction of a valuable security. The law insists on a clear causal bridge between the deception and a property-centric consequence. In that sense, Section 420 is narrower than it appears at first glance: it punishes cheating only when it culminates in the kind of legally recognisable consequence described in the section.

25. This is why the Supreme Court has repeatedly stated that Section 420 necessarily postulates cheating under Section 415 plus dishonest inducement resulting in delivery of property or interference with a valuable security, as contemplated in the statute. The same caution runs through decisions such as ***Mohd. Ibrahim*** and ***A.M. Mohan***: unless the complaint itself discloses the statutory ingredients, the court does not send parties to trial on a theory that the missing links may emerge later.

26. The point becomes clearer when one sees how the Supreme Court applies these principles to real disputes. In ***Mariam Fasihuddin***, even proceeding on the assumption that the mother had forged the father's signatures on their child's passport application, the Supreme Court declined to treat it as cheating under Section 420 because the complainant was not induced to deliver property or a valuable security, and no proprietary prejudice to him was shown. Deception, even if assumed, was not enough; what mattered was the absence of the statutory consequence which gives the offence its criminal character.

27. In ***Jupally Lakshmikantha Reddy***, the Court dealt with a claim that a "false NOC" was used to obtain recognition certificate from the School



Education Department to run their education institution. The Court found that the NOC was actually not required in the facts, and therefore the alleged false representation did not induce the authority to act in a manner it would not otherwise have acted. The missing link of material inducement and resultant legal prejudice proved fatal. These decisions are reminders that Section 420 is not a net cast wide enough to catch every allegedly false document. The deception must be material, causative, and productive of the statutory consequence.

28. When these principles are applied to the present case, the offence under Section 420 is not made out. Mutation in revenue records is essentially fiscal and declaratory; it neither creates nor extinguishes title. On the complainant's own case, the mutation records his name as co-owner. There is no pleaded act of delivery of property by him, no pleaded deprivation of a right, and no pleaded creation of a proprietary advantage beyond what succession law already confers. The apprehension of future alienation is, at this stage, only an apprehension. Criminal law cannot be set in motion for an offence defined by statutory consequences on the basis of a perceived future misuse, unaccompanied by any concrete act.

29. Having found the element of *dishonest* inducement to be absent, the summoning order seeks to sustain the charge by invoking the alternative mental element under Section 415, namely alleged "harm to mind". As noticed earlier, injury to mind is the species of injury through which the law recognises *fraudulent* intention – fraud being deceit coupled with injury. The difficulty is not with the proposition that mental injury can, in principle, be relevant. In fact, ***Dr. Vimla*** recognises that "injury" for purposes of "defraud" may extend beyond economic loss, to include "harm to mind".



The impediment lies in converting a bare sense of grievance into the statutory injury that is required to supply the missing *mens rea* and consequence.

30. In *Dr. Vimla*, the Supreme Court emphasised that the alleged injury or advantage must be grounded in the facts of the case and the nature of the charge. There, the charge and evidence disclosed neither advantage nor injury to the insurance company who were in no manner prejudiced and would have acted no differently even if the true facts had been disclosed, and thus the conviction was set aside. In the present case, the outcome of the mutation is that the complainant continues to stand recorded as co-owner. The only “harm to mind” identified is his dissatisfaction at the use of his name before the revenue authorities. Such abstract displeasure falls far short of the injury, which the law may comprehend as harm to body, mind, reputation, or deprivation of a legal right. In the absence of either dishonest inducement or fraud-induced legally cognisable injury, the offence of cheating under Section 415 IPC is not disclosed.

31. Once cheating under Section 415 is not made out, the charges under Sections 419 and 420 necessarily collapse.

***FORGERY AND “FALSE DOCUMENT”: SECTIONS 463, 464, 467, 468, 471 IPC***

32. The complaint also invokes the cluster of forgery provisions: Section 463 (forgery), Section 464 (false document), Section 467 (forgery of valuable security, etc.), Section 468 (forgery for the purpose of cheating), and Section 471 (using as genuine a forged document). It is thus necessary to recall the statutory framework.

33. Section 463 defines forgery as making a false document with intent to



cause damage or injury, to support a claim or title, to cause a person to part with property or enter into a contract, or “with intent to commit fraud or that fraud may be committed”. Section 464 then explains when a person is said to make a “false document”. For present purposes, the focus is on situations where a person dishonestly or fraudulently signs or executes a document with the intention of causing it to be believed that it was signed or executed by another, or by that other’s authority.

34. In *Dr Vimla*, the Supreme Court read these provisions together and distilled two key ingredients for forgery of this kind: first, fraudulent signing of a document so as to make it appear that it was signed by someone else or by his authority; and second, an intention that such document should be used to commit fraud, or that fraud might be committed. The Court emphasised that “fraudulently” in this context is not a redundant adverb: it brings with it the same concept of deceit plus injury which underlies cheating. A forged signature, standing alone in a factual vacuum, is not enough.

35. The decision in *Sheila Sebastian v. R. Jawaharaj*<sup>13</sup> adds another important dimension. The prosecution alleged that the accused had used a forged power of attorney to execute a mortgage. There was, however, no evidence that the accused had himself signed or executed the power of attorney in a manner falling within any of the three clauses of Section 464 IPC. The Supreme Court held that a person cannot be convicted of forgery unless he is the “maker” of the false document. Making a document is distinct from “causing it to be made”. The expression “making” a false document is exhaustively defined by the three clauses of Section 464, and criminal liability cannot travel beyond those statutorily recognised modes.

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<sup>13</sup> (2018) 7 SCC 581.



Mere benefit from, or association with, a document is insufficient unless it is shown that the accused himself made it in a manner squarely falling within Section 464.

36. Although *Sheila Sebastian* relates to a decision rendered after a full trial, the principle it articulates is significant. In fact, in *Jupally Lakshmikantha Reddy*, the Supreme Court applied the same requirement at the very threshold and quashed the proceedings in the absence of any material identifying who had made the alleged forged document. The statutory requirement that forgery presupposes proof of the maker is therefore not diluted at the summoning stage. Tested on this footing, the impugned order discloses no material identifying the maker of the disputed signatures.

37. The Magistrate notes that the complainant did not sign the documents and, from that alone, infers impersonation and collective involvement of the other heirs essentially because they were present before the Tehsildar and did not protest. That may explain why the Magistrate suspects collusion within the family, but it does not satisfy the statutory requirement under Section 464 IPC that a particular accused must be shown to have made a false document in one of the modes that the section contemplates. Forgery is an offence of authorship. Criminal liability cannot be fastened on the basis of perceived benefit, proximity, or silence in official proceedings unless there is some material that the accused himself made, signed, or caused the false document to be made in the sense Section 464 recognises. The impugned order does not identify who is alleged to have written the complainant's name, nor does it attribute any specific act to any particular petitioner beyond being present at the Tehsildar's office.



38. The reasoning is then carried further by describing the complainant as the ‘sole victim’ because his identification proof was not furnished, and by treating it as a ‘necessary corollary’ that all other legal heirs must have joined hands against him. That reverses the proper test. The court is required to identify, qua each accused, the act that discloses their participation in the alleged offence and the *mens rea* that animates it. A ‘necessary corollary’ in logic is not a substitute for statutory ingredients in criminal law. The deposition of the complainant’s son (CW-1) does not cure this gap: it essentially reiterates the complaint and attributes involvement to ‘each of the accused persons’ in broad terms, without explaining who drafted the affidavit, who signed as the complainant, who presented the affidavit, or who stood to gain anything more than what succession law already conferred on every heir. Therefore, the ingredient of “making a false document” is not satisfied. Indeed, at the summoning stage, as argued by Respondent No. 2, the Magistrate is not expected to weigh the evidence, but there must nevertheless be a factual foundation beyond omnibus assertions before invoking serious forgery provisions with the aid of Section 34 IPC against the accused.

39. The second question is whether, even if one assumes that some unidentified person forged the complainant’s signatures, the necessary element of ‘fraud’ exists. As discussed earlier, fraud consists of deceit coupled with injury, which may extend beyond economic loss to include harm to body, mind or reputation. On the facts here, no advantage in property terms is conferred upon the petitioners, the complainant suffers no deprivation of his proprietary rights, and the possibility of future misuse is entirely conjectural.



40. On these facts, the attempt to recast the alleged forgery as ‘forgery for the purpose of cheating’ under Section 468 rests on a fragile foundation. Where cheating is not disclosed, a charge of forgery ‘for the purpose of cheating’ has no real footing. The Magistrate, instead, falls back on the complainant’s asserted ‘harm in mind’. For the reasons already indicated, that abstract harm is not the species of injury contemplated in Section 463.

41. The allegation under Section 467 presents an additional difficulty. Section 30 IPC defines ‘valuable security’ as a document which creates, extends, transfers, restricts, extinguishes or releases a legal right, or acknowledges a legal liability or the absence of a legal right. The Magistrate holds that an affidavit of no objection for mutation of property ‘can be construed’ as a document whereby a legal right is created, transferred or released, and therefore amounts to a valuable security; or, in the alternative, that even if the affidavit itself is not a valuable security, its forgery has ‘led to creation of/transfer of a valuable security in the form of mutation of the property.’

42. This reasoning is difficult to sustain. A mutation entry does not create or transfer title. An affidavit said to be a ‘no objection’ for mutation does not, by itself, create, extinguish or transfer proprietary rights. To elevate such affidavits to the status of ‘valuable security’ would dilute the carefully circumscribed ambit of Section 30 IPC and, by extension, Section 467, which is intended to address forgery of instruments embodying substantive dispositive rights, not ancillary revenue compliances in the course of succession.

43. The charge under Section 471 IPC fares no better. Use of a document as genuine presupposes the existence of a forged document within the





meaning of Sections 463 and 464 IPC, coupled with knowledge or reason to believe that the document is forged. Once the foundational requirements of forgery are not met, Section 471 cannot be independently sustained. Mere participation in revenue proceedings where the document was filed, without proof of authorship, control, or knowledge of forgery, is insufficient to attract criminal liability under this provision.

### ***ABUSE OF PROCESS AND SECTION 482 THRESHOLD***

44. The remaining question is whether, notwithstanding these deficiencies, the Petitioners must still be put through the rigours of a full criminal trial on the footing that all these issues can be left to be tested at the stage of charge or final judgment. The governing principles are now well settled.

45. In ***Bhajan Lal***, the Supreme Court set out illustrative categories in which the High Court may exercise its inherent powers to quash proceedings. One such category is where the uncontroverted allegations and the material collected do not disclose the commission of any offence. Another, of particular relevance here, is where a criminal proceeding is manifestly attended with *mala fide* or is maliciously instituted with an ulterior motive for wreaking vengeance or with a view to spite the accused due to private or personal grudge.

46. In ***Rajiv Thapar***, the Court refined the approach by formulating a four-step enquiry for quashing based on defence material which is of such sterling quality that no prudent person could ignore it. The framework, which has been followed in later decisions including ***Pradeep Kumar Kesarwani***, requires the Court to ask: whether the material relied upon by the accused is sound and indisputable; whether it directly undermines the



factual assertions in the complaint; whether it remains unrebutted; and whether, in the face of such material, continuation of the proceedings would amount to an abuse of process.

47. Tested on that anvil, the present case contains several pieces of material of precisely that quality:

- (i) The SDM's order in the mutation proceedings, which records the no-objection statement of the complainant's own son and directs mutation in favour of all legal heirs in accordance with natural succession.
- (ii) The revenue entries themselves, which show that the complainant's name stands recorded as co-owner and that no part of his share has been diverted to an outsider.
- (iii) The State FSL report, which is neutral and inconclusive, and does not support the allegation that the questioned signatures are forged.
- (iv) The status report of the State acknowledging that forgery is punishable only when committed with dishonest or fraudulent intention, and that the mutation has included the complainant's name as co-heir.

48. These official records go to the root of the allegation that the Petitioners deployed forged documents to deprive the complainant of his property. They show that the mutation merely reflected succession, that his name remained on the record, and that the core narrative of dispossession is unsupported by contemporaneous material.

49. There is also the question of suppression. In *MCD v. State of Delhi*, the Supreme Court held that a litigant who withholds material facts or orders directly bearing on the relief sought plays a species of fraud on the court and disentitles himself to discretionary relief. Here, the complainant's son, who steps into his father's shoes, does not disclose in his statement before the



Magistrate that he has already given a no-objection before the SDM for mutation in favour of all legal heirs, including his father. That omission is not peripheral. It goes to the heart of the allegation that the Petitioners acted behind the complainant's back to 'grab' his share.

50. The broader context is equally important. This is a family dispute over ancestral agricultural land. The revenue proceedings recognise all legal heirs, the complainant included. There is no allegation that the Petitioners have executed any sale deed, created encumbrances, or otherwise used the mutation to divest the complainant of his share. The criminal law has been invoked not because any actual dispossession or misappropriation has occurred, but because the complainant is aggrieved that his signature was not taken in the manner he would have preferred.

51. In *Mariam Fasihuddin*, confronted with a counter-complaint amidst a strained marital relationship, the Supreme Court held that in absence of any legal injury, continuation of the cheating-and-forgery prosecution would amount to abuse of the process of law. The Court emphasised that criminal law is not a vehicle for ventilating every grievance that arises out of a private dispute where no real legal prejudice is demonstrated.

52. A similar refocusing is required here. Stripped of rhetoric, it is difficult to portray the complainant as the victim of a criminal design. His share in the land is recorded; no civil right has been effectively taken away. The Petitioners may have taken procedural shortcuts before the Tehsildar or shown little regard for his sensibilities, but to convert that conduct into a full-scale prosecution for cheating, forgery of valuable security, and use of forged documents, carrying the prospect of long terms of imprisonment, would be disproportionate and out of step with the careful limits which the



criminal law itself imposes.

53. The revisional Court appears to have sensed part of this difficulty, yet declined to interfere on the footing that the threshold at the summoning stage is low. That approach may be unobjectionable in an ordinary case. In a fact-pattern of this kind, however, where the Supreme Court has, in closely comparable situations, quashed prosecutions even post-charge for want of core ingredients of cheating and forgery, the High Court cannot simply defer all scrutiny to the trial court. Section 482 CrPC exists precisely to prevent such proceedings from being carried forward when the legal foundation is missing.

### **CONCLUSION**

54. For these reasons, and confining the discussion to the core offences under Sections 419, 420, 467, 468 and 471 IPC, this Court is satisfied that even if the complainant's allegations are taken at their highest, the essential ingredients of cheating and forgery as explained in *Dr Vimla, Sheila Sebastian, Mariam Fasihuddin*, and *Jupally Lakshmikantha Reddy*, are not disclosed. There is no deception-linked deprivation or loss of property, no legally cognisable interference with a valuable security, and no identified maker of a false document who can be fastened with the requisite mens rea.

55. The summoning order rests on an unduly broad notion of 'harm to mind', a strained characterisation of routine mutation paperwork as 'valuable security', and a collective inference of complicity among all heirs present before the Tehsildar, which travels beyond both the statutory ingredients and the material actually available on record.

56. The inherent jurisdiction under Section 482 exists to prevent criminal process from being used where the prosecution, even on its own showing,



has no realistic prospect of culminating in conviction. This is such a case. Allowing the proceedings to continue would not vindicate the criminal law; it would merely prolong a family succession dispute in the garb of serious penal charges.

57. The petition is, therefore, allowed. The summoning order dated 19<sup>th</sup> September, 2019 passed by the Metropolitan Magistrate, and the revisional order dated 16<sup>th</sup> November, 2019 passed by the Sessions Court, are set aside. The complaint case and all proceedings arising therefrom, so far as they relate to the present Petitioners, are quashed. This order will not, however, preclude the parties from working out their civil or revenue rights in accordance with law, if they are so advised.

58. Accordingly, the petition is disposed of along with pending application(s) if any.

**SANJEEV NARULA, J**

**DECEMBER 25, 2025/ab**