[2025] 7 S.C.R. 1956 : 2025 INSC 915

Urmila Devi & Others
v.
Balram & Another

(Criminal Appeal No. 3300 of 2025)

31 July 2025

[B.V. Nagarathna* and K.V. Viswanathan, JJ.]

Issue for Consideration

Issue arose as regards correctness of the impugned order passed by the High Court dismissing the application filed by the appellants u/s.482 CrPC to quash the complaint u/ss.419, 420, 467, 468 and 471 IPC pending before the magistrate.

Headnotes†

Code of Criminal Procedure, 1973 – s.482 – Penal Code, 1860 – ss.419, 420, 467, 468, 471 – Quashing of criminal complaint – Testator on account of the fear of his estate being jeopardized by the alcoholic obsessions of his third son, bequeathed his properties in favour of the appellants-daughters-in-law by executing unregistered Will – After death of testator, third son executed a registered sale deed for his share in testator's property in favour of the complainant – Unaware of the same, the appellants filed for mutation on the basis of will, and favourable mutation order was passed – Appellants then filed for permanent injunction against the complainant and *exparte* interim order was passed – Complainant raised objections against the mutation order but the same were rejected – Subsequently, complainant filed an application u/s.156(3) CrPC alleging that one of the testator's son entered into a conspiracy with the appellants and forged a fraudulent unregistered Will after the death of the testator to circumvent the said sale deed by the third son in favour of the complainant – Complaint proceedings initiated – Quashing application by the appellants – Dismissed by High Court – Correctness:

Held: None of the offences alleged against the appellants made out – Neither any criminal breach of trust nor cheating

* Author

by impersonation found – No cheating and dishonestly inducing delivery of property found – Writ large on the face of the record that the complaint case has been employed as a circuitous tool to abuse the process of law, especially after the complainant failed to pursue the remedies available to it – Chronology of events indicates that the criminal proceedings were instituted only after approximately seven years of the mutation order, four years after the *ex-parte ad-interim* order and three years after the rejection of the objections to the Mutation Order – Instant case seeks to disguise a civil dispute as criminal – Complaint case against the appellants has been pending for over two decades and its continuation would not serve any purpose – Impugned order of the High Court set-aside – Proceedings in complaint case quashed. [Paras 8.4-8.6, 9, 10]

Case Law Cited

State of Haryana v. Bhajan Lal **[1990] Supp. 3 SCR 259 : (1992) Supp. 1 SCC 335;** *Madhavrao Jiwajirao Scindia v. Sambhajirao Chandrojirao Angre* **[1988] 2 SCR 930 : (1988) 1 SCC 692 – held applicable.**

Prof. R.K. Vijayasarathy v. Sudha Seetharam **[2019] 2 SCR 185 : (2019) 16 SCC 739;** *Anand Kumar Mohatta & Anr. v. State (NCT of Delhi)* **[2018] 13 SCR 1028 : (2019) 11 SCC 706;** *Inder Mohan Goswami v. State of Uttaranchal* **[2007] 10 SCR 847 : (2007) 12 SCC 1;** *Vishal Noble Singh v. State of Uttar Pradesh,* **2024 SCC OnLine SC 1680;** *State of Karnataka v. L. Muniswamy* **[1977] 3 SCR 113 : (1977) 2 SCC 699 – referred to.**

List of Acts

Code of Criminal Procedure, 1973; Penal Code, 1860; Land Revenue Act, 1901.

List of Keywords

Quashing the complaint; Conspiracy; Forged will; Criminal breach of trust; Cheating by impersonation; Cheating and dishonestly inducing delivery of property; *ex-parte ad-interim* order; Mutation order; Abuse of process of law; Unregistered Will; Permanent injunction; Disguise civil dispute as criminal.

Case Arising From

CRIMINAL APPELLATE JURISDICTION: Criminal Appeal No. 3300 of 2025

From the Judgment and Order dated 09.04.2019 of the High Court of Judicature at Allahabad in A482 No. 6543 of 2003

Appearances for Parties

Advs. for the Appellants:
Tripurai Ray, Anirudh Ray, Vinayak Mohan, Arjev Jain, E. C. Vidya Sagar.

Advs. for the Respondents:
D. P. Singh Yadav, Ms. Aneeta Yadav, Ms. Aakanksha Tiwari, Ms. Nazish Fatima, Shiv Sagar Tiwari, Bhakti Vardhan Singh.

Judgment / Order of the Supreme Court

Judgment

Nagarathna, J.

Leave granted.

2. The present appeal arises out of impugned order dated 09.04.2019 passed in Application U/S 482 No.6543/2003 by the High Court of Allahabad dismissing the application preferred by the accused-appellants under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter "Cr.P.C.").

   2.1 Vide the impugned Order, the High Court refused to quash the Criminal Complaint Case No.627 of 2002 titled, "*Balram v. Kodai & Ors.*" under Sections 419, 420, 467, 468 and 471 of the Indian Penal Code, 1860 ("hereinafter, "IPC") pending before the Court of the learned Chief Judicial Magistrate, Basti.

3. Burdened by the fear of his estate being jeopardized and trammeled by the alcoholic obsessions of his third son-Ashish Kumar, one Shri Ram Baksh Dubey (since deceased) (hereinafter, "testator") executed an unregistered will dated 23.12.1993 bequeathing all his movable and immoveable properties in the name of his four daughters-in-law as his legatees, who, naturally, are the respective wives of testator's

four sons and are also the accused-appellants herein. The facts of the case can be crystallized as under:

3.1 The testator had four sons, namely Chandra Sekhar, Chandra Prakash, Ashish Kumar and Rajesh Kumar. In Village Dewaragangabarar, the testator had one-half share in Land Nos.416, 639, 640, 618, 643, 656, 632, 656/9, 686, 694.

3.2 Apprehensive that his third son-Ashish Kumar will waste the estate to his intoxicating compulsions and vices, the testator bequeathed all his moveable and immoveable properties in the name of his four daughters-in-law as his legatees. The testator recorded in his will the intent to ensure that his land and property are not jeopardized, and his daughters-in-law and grandchildren are not deprived of it. To that end, the testator bequeathed his property to his daughters-in-law, who, the will notes, helped him and cared for him.

3.3 The testator passed away on 03.01.1994. Soon thereafter, his third son-Ashish Kumar executed a registered sale deed on 25.04.1994 for his share in testator's property in favour of Complainant-Respondent No.1.

3.4 It is the case of the accused-appellants that they, unaware of the registered sale deed dated 25.04.1994, filed for Mutation in, *inter alia*, Case No.1207 under Section 34 of the Land Revenue Act, 1901 on the basis of the will dated 23.12.1993 and a favourable Mutation Order was passed on 27.09.1994 by the Tehsildar, Harraiya.

3.5 As the complainant-respondent No.1 continuously interfered with the peaceful possession of the accused-appellants, they preferred O.S. No.588 of 1997 on 29.07.1997 before the learned Civil Judge Junior Division, Basti seeking a decree of permanent injunction against the complainant-respondent no.1 herein over the disputed land. *Vide* Order dated 30.07.1997, the trial court passed an *ex-parte* ad-interim order against the defendant therein restraining him from carrying out any type of construction on the disputed property and not to cut the crop on the disputed land.

3.6 Aggrieved by the interim order of the trial court, the respondent filed objections against the Mutation Order dated 27.09.1994

along with an application seeking the recall of the same based on the Sale Deed executed on 25.04.1994. However, *vide* order dated 09.01.1998, the objections raised by complainant-respondent No.1 were rejected for non-prosecution.

3.7 Subsequently, on 12.01.2001, complainant-respondent No.1 filed an application under Section 156(3) Cr.P.C. alleging that Chandra Prakash – one of the sons of the testator – had entered into a conspiracy with accused-appellants and forged a fraudulent unregistered will after the death of the testator with the intention to circumvent the sale deed dated 25.04.1994 executed by Ashish Kumar in favour of the respondents.

3.8 On 09.09.2001, the Investigation Officer submitted his report stating that the complainant had no papers of the said land and the civil case in respect of disputed land is pending before the Tehsildar, Harraiya. Upon receipt of the police report and on objections to it by the complainant-respondent No. 1, the learned Additional Chief Judicial Magistrate-II, Basti *vide* order dated 18.09.2001 directed registration of the application under Section 156(3) Cr.P.C. as a complaint case which was thereafter numbered Complaint Case No.627 of 2002. The order notes that in support of the application, the receipt of registration, copy of the sale deed, copy of the will and copy of the *khatauni* were filed. The complainant was examined under Section 200 Cr.P.C. and his father-Sripat and Om Prakash were examined as PW1 and PW2. Having found a *prima facie* case made out against the accused-appellants, summons were issued on 23.10.2002 returnable on 27.11.2002.

3.9 Aggrieved by the registration of the complaint case and issuance of summons, the accused-appellants preferred Application U/S. 482 Cr.P.C. No. 6543/2003 before the Allahabad High Court seeking quashing of the Criminal Complaint Case No.627/2002 and the summons issued thereunder. It was, *inter alia*, argued by the accused-appellants before the High Court that neither the will dated 23.12.1993 nor the order of the Tehsildar dated 09.01.1998 rejecting the objection to the Mutation Order have been challenged.

3.10 During the pendency of the application before the High Court, the complainant-respondent No.1 filed a counter-claim in O.S.

No.588/1997 preferred by the accused-appellants. However, on 22.09.2007, the learned Addl. Civil Judge (Junior Division), Basti ordered that the suit was liable to be proceeded against complainant-respondent No.1 herein *ex-parte* and that the counter-claim was liable to be rejected for want of prosecution by complainant-respondent.

3.11 After a period of sixteen years since institution, the application filed by the accused-appellants seeking quashing of the complaint case was dismissed *vide* Impugned Order dated 09.04.2019. The High Court took the view that the allegations clearly satisfy the ingredients of offences under Sections 419, 420, 467, 468, and 471 IPC and that the question whether the document is forged or not is a matter to be examined in the inquiry and not at this stage. Having found no miscarriage of justice, the High Court found no reason to interfere and resultantly, dismissed the application.

4. Hence, this appeal.

5. On 08.11.2019, this Court issued notice in the special leave petition and stayed further proceedings in Case No.672/02 pending before the CJM, Basti.

6. During the course of submissions, Sri Tripurari Ray, learned counsel for the accused-appellant contended that this is not a case where any of the ingredients for the alleged offences under Sections 419, 420, 467, 468, and 471 of the IPC are even *prima facie* present. It was contended that the circumstances make it apparent that the criminal proceedings were initiated only to abuse the process of law with the oblique aim of settling the civil disputes between the parties.

6.1 Furthermore, it was contended that the High Court failed to appreciate that the Mutation Order in favour of the appellants was passed after granting full opportunity to the complainant-respondent No.1 and that once the objections filed by the complainant-respondent No.1 were dismissed, no further proceedings were initiated. Similarly, as no further proceedings were ever initiated challenging the rejection of the counter-claim, the order rejecting the counter-claim had attained finality.

6.2 Reliance was placed on the decisions of this Court in ***Prof. R.K. Vijayasarathy v. Sudha Seetharam,*** **(2019) 16 SCC 739**

("R.K. Vijayasarathy") and ***Anand Kumar Mohatta & Anr. V. State (NCT of Delhi), (2019) 11 SCC 706 ("Anand Kumar Mohatta")***, to contend that the High Court should have been vigilant enough and exercised its inherent powers under Section 482 of the Cr.P.C. to quash proceedings that are essentially of a civil nature but have been given the disguise of a criminal offence with a veiled object.

7. *Per contra*, it was argued by Sri D.P. Singh Yadav, learned counsel on behalf of complainant-respondent No.1 that the High Court was correct in observing that the allegations in the complaint clearly satisfied the ingredients of the offences under Sections 419, 420, 467, 468 and 471 of the IPC and that the question of ascertaining the veracity of forgery is subject to determination by trial. It was therefore argued that the High Court had rightly construed the dispute to be of a criminal nature and refused to quash the complaint case.

8. We have heard learned counsel for the respective parties at length and perused the material on record. We have given our thorough consideration to the arguments advanced at the bar in light of the material on record.

8.1 At the outset, we may place reliance on the seminal judgment of this Court in the case of ***State of Haryana* v. *Bhajan Lal*, 1992 Supp (1) SCC 335 ("*Bhajan Lal*")** with particular reference to paragraph '102' therein and sub-paras 1, 3, 5 and 7, which read as under:

> "102. (1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused.
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> ***
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> (3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.
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> ***

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

***

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge."

8.2 On perusal of the record, it is noted that based on the complaint filed by complainant-respondent No.1, a complaint case No. 627/2002 was registered against the appellants under Sections 419, 420, 467, 468 and 471 of the IPC. For ease of reference, the aforesaid Sections are extracted as under:

"419. **Punishment for cheating by personation**.- Whoever cheats by personation shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

420. **Cheating and dishonestly inducing delivery of property**.- Whoever cheats and thereby dishonestly induces the person deceived to deliver any property to any person, or to make, alter or destroy the whole or any part of a valuable security, or anything which is signed or sealed, and which is capable of being converted into a valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

xxx xxx xxx

467. **Forgery of valuable security, will etc.**- Whoever forges a document which purports to be a valuable security or a will, or an authority to adopt a son, or which purports to give authority to any person to make or transfer any valuable security, or

> to receive the principal, interest or dividends thereon, or to receive or deliver any money, movable property, or valuable security, or any document purporting to be an acquittance or receipt acknowledging the payment of money, or an acquittance or receipt for the delivery of any movable property or valuable security, shall be punished with [imprisonment for life], or with imprisonment of either description for a term which may extend to ten years, and also be liable to fine.
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> xxx xxx xxx
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> 468. **Forgery for purpose of cheating**.- Whoever commits forgery, intending that the [document or electronic record forged] shall be used for the purpose of cheating, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.
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> xxx xxx xxx
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> 471. **Using as genuine a forged document or electronic record**.- Whoever fraudulently or dishonestly uses as genuine any document or electronic record which he knows or has reason to believe to be a forged document or electronic record, shall be punished in the same manner as if he had forged such document or electronic record."

8.3 Upon giving our thorough consideration to the arguments advanced at the bar, we fail to understand as to how the allegations against the appellants herein who are only legatees under the Will in question, could be sustained in light of the material on record.

8.4 The allegations against the accused-appellants, in sum and substance, are that they entered into a conspiracy with other individuals to fabricate a forged will after the death of the testator that was then used to circumvent the sale deed dated 25.04.1994.

8.5 Upon appreciating the facts and circumstances, we do not find that the offences aforementioned are made out in the present

case. Neither do we find any criminal breach of trust nor do we find any cheating by impersonation. We also do not find any cheating and dishonestly inducing delivery of property. In these circumstances, we fail to see how it could be alleged that the accused-appellants cheated and dishonestly induced the complainant-respondent No.1.

8.6 It is writ large on the face of the record that the complaint case has been employed as a circuitous tool to abuse the process of law, especially after the complainant-respondent No.1 failed to pursue the remedies available to it. The chronology of events indicates that the criminal proceedings in the year 2001 were instituted only after approximately seven years of the mutation order dated 27.09.1994, four years after the *ex-parte ad-interim* order issued on 30.07.1997 and three years after the rejection of the objections to the Mutation Order vide Order dated 09.01.1998.

8.7 In this regard, our attention was drawn to paras 42-44 and 46 of ***Inder Mohan Goswami vs. State of Uttaranchal, (2007) 12 SCC 1*****,** dealing with Sections 420 and 467 IPC, which are extracted hereunder:

> "42. On a reading of the aforesaid section, it is manifest that in the definition there are two separate classes of acts which the person deceived may be induced to do. In the first class of acts he may be induced fraudulently or dishonestly to deliver property to any person. The second class of acts is the doing or omitting to do anything which the person deceived would not do or omit to do if he were not so deceived. In the first class of cases, the inducing must be fraudulent or dishonest. In the second class of acts, the inducing must be intentional but need not be fraudulent or dishonest. Therefore, it is the intention which is the gist of the offence. To hold a person guilty of cheating it is necessary to show that he had a fraudulent or dishonest intention at the time of making the promise. From his mere failure to subsequently keep a promise, one cannot presume that he all along had a culpable intention to break the promise from the beginning.

> 43. We shall now deal with the ingredients of Section 467 IPC. …
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> 44. The following ingredients are essential for commission of the offence under Section 467 IPC:
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> 1. the document in question so forged;
> 2. the accused who forged it;
> 3. the document is one of the kinds enumerated in the aforementioned section.
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> x x x
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> 46. The court must ensure that criminal prosecution is not used as an instrument of harassment or for seeking private vendetta or with an ulterior motive to pressurise the accused. On analysis of the aforementioned cases, we are of the opinion that it is neither possible nor desirable to lay down an inflexible rule that would govern the exercise of inherent jurisdiction. Inherent jurisdiction of the High Courts under Section 482 CrPC though wide has to be exercised sparingly, carefully and with caution and only when it is justified by the tests specifically laid down in the statute itself and in the aforementioned cases. In view of the settled legal position, the impugned judgment cannot be sustained."
>
> *(underlining by us)*

8.8 This Court, in ***Madhavrao Jiwajirao Scindia vs. Sambhajirao Chandrojirao Angre, (1988) 1 SCC 692***, ***(Madhavrao Jiwajirao Scindia)*** reasoned that the criminal process cannot be utilized for any oblique purpose. This Court also observed that the court should quash those criminal cases where the chances of an ultimate conviction are bleak and no useful purpose is likely to be served by continuation of a criminal prosecution.

8.9 In ***R.K. Vijayasarathy,*** this Court held that while exercising powers under Section 482 of the Cr.P.C, a High Court can examine whether a matter which is essentially of a civil nature has been given a cloak of a criminal offence. Recently, in ***Vishal***

Noble Singh v. State of Uttar Pradesh, 2024 SCC OnLine SC 1680, this Court held that courts have to be vigilant to ensure that the machinery of criminal justice is not misused for achieving oblique motives and agendas. Tacitly endorsing such misuse only unnecessarily burdens the courts and the criminal justice system. In ***Anand Kumar Mohatta***, this Court, whilst quashing the FIR and chargesheet therein, highlighted the following words of this Court in ***State of Karnataka* v. *L. Muniswamy*, (1977) 2 SCC 699**, that describe the fundamental principle for exercise of powers under Section 482 of the Cr.P.C.:

> "*7.* … In the exercise of this wholesome power, the High Court is entitled to quash a proceeding if it comes to the conclusion that allowing the proceeding to continue would be an abuse of the process of the Court or that the ends of justice require that the proceeding ought to be quashed. The saving of the High Court's inherent powers, both in civil and criminal matters, is designed to achieve a salutary public purpose which is that a court proceeding ought not to be permitted to degenerate into a weapon of harassment or persecution. In a criminal case, the veiled object behind a lame prosecution, the very nature of the material on which the structure of the prosecution rests and the like would justify the High Court in quashing the proceeding in the interest of justice."
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> *(underlining by us)*

9. On a careful consideration of the aforementioned judicial dicta, we find that none of the offences alleged against the accused-appellants herein are made out. The instant case is just another one in a string of cases filed in recent years that seek to disguise a civil dispute as criminal. The complaint case against the accused-appellants has been pending for over two decades and its continuation would not serve any purpose. The observations made by this Court in ***Madhavrao Jiwajirao Scindia*** inform our decision and the judgment of this Court in the case of ***Bhajan Lal*** and particularly sub-paragraphs 1, 3, 5 and 7 of paragraph 102 extracted above, squarely apply to the facts of this case. In our view, it is in the interest of justice that present proceedings be quashed.

10. In the circumstances, the impugned order of the High Court is set-aside and consequently, the proceedings in Complaint Case No.627 of 2002 pending before the learned Chief Judicial Magistrate, Basti stand quashed. Needless to state, any observations made herein shall not have a bearing on any civil proceedings, if any, pending between the parties.

The appeal is allowed in the aforesaid terms.

Result of the case: Appeal allowed.

†*Headnotes prepared by:* Nidhi Jain