

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**Cr.M.P. No. 4 of 2024**

1. Gajadhar Prasad, aged about 48 years, S/o -Late Kewal Prasad @  
Kewal Prasad Verma
2. Arjun Prasad, aged about 46 years, S/o -Late Kewal Prasad Verma
3. Ajay Kumar Prasad, aged about 54 years, S/o -Late Kujdeep Saw  
All three residents of Vill -Pratappur, Post -Rampur, P.S. -  
Chauparan, District -Hazaribagh
4. Md. Yunus, aged about 63 years, S/o -Ismail Miyan
5. Md. Khurshid Alam, aged about 37 years, S/o -Khalil Miyan  
Both residents of Village -Rasoyia Dhamna, P.O. & P.S. -Barhi,  
District -Hazaribagh. .... Petitioners

Versus

1. The State of Jharkhand
2. Vikash Rana, aged about 32 years, Son of Late Damodar Mistri,  
Resident of Village -Darji Chowk, P.O. -Rampur & P.S. -  
Chauparan, District -Hazaribagh. .... Opp. Parties

**P R E S E N T**

**HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY**

|                     |                                                                                                            |
|---------------------|------------------------------------------------------------------------------------------------------------|
| For the Petitioners | .....<br>: Mr. Ashok Kumar Sinha, Advocate<br>: Mr. Kumar Amit, Advocate<br>: Mr. Anshuman Kumar, Advocate |
| For the State       | : Mr. Pankaj Kumar, P.P.                                                                                   |

***By the Court:-***

1. Heard the parties.
2. This criminal miscellaneous petition has been filed invoking the  
jurisdiction of this Court under Section 482 of the Code of Criminal  
Procedure with a prayer to quash and set aside the entire criminal  
proceeding including the order taking cognizance dated 13.10.2023  
passed in Complaint Case No. 1012 of 2023 in which the learned Sub-  
Divisional Judicial Magistrate, Hazaribagh has found *prima facie* case

for the offences punishable under Sections 420/467/468/471/120B of the Indian Penal Code.

3. The brief fact of the case is that the complainant executed a power of attorney in favour of the petitioner no.1 and later on revoked the power of attorney. The complainant intimated the fact of revocation of power of attorney to all the petitioners but the petitioners knowing full well that the power of attorney executed by the complainant in favour of the petitioner no.1 has been revoked, therefore, the petitioner no.1 is not competent to execute any sale deed in favour of anyone, suppressing the material fact, by dishonestly and fraudulently got a sale deed executed and thereby made a false document for the purpose of cheating and used the forged document subsequently also, knowing the same to be forged. Basing upon the complaint, statement of the complainant on solemn affirmation and statement of the inquiry witnesses the learned Sub-Divisional Judicial Magistrate, Hazaribagh found *prima facie* case for the offences as already indicated above.
4. It is submitted by the learned counsel for the petitioners that the allegations against the petitioners are all false and the dispute between the parties is at best a civil dispute. The petitioner nos. 2 to 5 are the *bonafide* purchasers of the land in question, hence in view of the Judgment of the Hon'ble Supreme Court of India in the case of **Mohammed Ibrahim & Ors. vs. State of Bihar & Anr.** reported in (2009) 8 SCC 751, no offence is made out against them. Therefore, it is submitted that the prayer as prayed for by the petitioners in this criminal miscellaneous petition be allowed.

5. The learned Public Prosecutor on the other hand vehemently opposes the prayer and submits that there is direct and specific allegation against the petitioners that all the petitioners knowing pretty well that the complainant has revoked the power of attorney and knowing pretty well about such revocation of the power of attorney, in criminal conspiracy with each other, to cheat the complainant, dishonestly and fraudulently by suppressing the material facts, have got a sale deed executed, which amounts to making a false document, in terms of Section 464 of the Indian Penal Code. It is next submitted that the facts of this case are different from the facts of **Mohammed Ibrahim & Ors. vs. State of Bihar & Anr.** (supra) because in that case there was no allegation that the petitioners were in criminal conspiracy with the co-accused persons made a false document. It is next submitted that the petitioners are not the law abiding citizens as they have been evading appearance from the trial court for over a year and half knowing pretty well about summons and warrants having been issued against them by the learned trial court. Hence, it is submitted that this criminal miscellaneous petition being without any merit be dismissed.
6. Having heard the submissions made at the Bar and after going through the materials available in the record, it is pertinent to mention here that there is direct and specific allegation against the petitioners that the petitioners in criminal conspiracy with each other, knowing full well that the power of attorney executed by the complainant in favour of the petitioner no.1 has been revoked and thus the petitioner no.1 was not entitled to execute any sale deed of

the land belonging to the complainant and even though, the petitioner no.1 never claimed that he is the owner of the land, still dishonestly and fraudulently got executed a sale deed, for the purpose of cheating the complainant. Hence, this Court is of the considered view that the facts of this case is entirely different from the facts of **Mohammed Ibrahim & Ors. vs. State of Bihar & Anr.** (supra) where the executant of the sale deed never suppressed the material fact that even though he knew that he is not competent to execute the sale deed but still executed the sale deed, unlike this case where the case of the prosecution is that all the petitioners were very much aware about the revocation of the power of attorney by the complainant in favour of the petitioner no.1, but even then in criminal conspiracy, for the purpose of cheating, having made the forged document and having used the forged document as genuine, certainly this is not a case where the prayer as prayed for by the petitioners in this criminal miscellaneous petition be allowed by this Court in exercise of its power under Section 482 of the Cr.P.C.

7. Accordingly, this criminal miscellaneous petition being without any merit is dismissed.

**(Anil Kumar Choudhary, J.)**

High Court of Jharkhand, Ranchi  
Dated the 9<sup>th</sup> July, 2025  
AFR/Sonu-Gunjan/-