

(2020) 08 JH CK 0136

In the Jharkhand High Court

Case No : Criminal M.P. No. 2795, 2798 of 2013

Suraj Jaiswal And Ors

APPELLANT

Vs

State of Jharkhand And Ors

RESPONDENT

Date of Decision : 20-08-2020

Acts Referred:

Indian Penal Code, 1860 — Section 120B, 323, 406, 420, 467, 468, 471
Code Of Criminal Procedure, 1973 — Section 156(3)

Citation : (2020) 08 JH CK 0136

Hon'ble Judges : Ananda Sen, J

Bench : Single Bench

Advocate : Satyendra Kumar Singh, A.K. Kashyap

Final Decision : Dismissed

Judgement

Heard learned counsel for the petitioners, the learned A.P.P. for the State and the learned counsel appearing for the opposite party No.2 through Video Conferencing. The lawyers have no objection with regard to the proceeding which has been held through video conferencing today at 11.00 a.m.. They have no complain with respect to the audio and video clarity and quality.

Petitioners have challenged the First Information Report being Pithoria P.S Case No. 108 of 2012, registered under Sections 406, 420, 467, 468, 471, 120B and 323 of the Indian Penal Code.

A complaint was filed, which was sent in terms of Section 156(3) of the Code of Criminal Procedure for registering a First Information Report. These petitioners are accused.

Counsel for the petitioners submits that these petitioners are nowhere involved in the occurrence. He submits that there is an allegation that the petitioners prepared forged documents in respect of a land and thereafter sold the same. He submits, by referring to an annexure, which is a genealogical table, that these petitioners are also co-sharers and original owners of the land in question. He

submits that the allegations of forgery is absolutely incorrect. He submits that several documents are available in support of the petitioners and petitioners have committed no wrong. On the aforesaid submission and argument, petitioners seek quashing of the First Information Report.

It is well settled proposition of law that First Information Report cannot be quashed if from perusal of the written report a cognizable offence is made out. Further if any fact is controverted and needs investigation, FIR cannot be quashed. Quashing of First Information Report means quashing of investigation.

I have gone through the complaint which is the basis of the First Information Report. In paragraph 9, 10 and 12, it has been categorically stated by the complainant that sale deeds and documents have been forged by the accused persons and on the basis of forged documents benefit has been obtained. Since there is an allegation of forgery, said allegation needs to be investigated. Only after a proper investigation, it can be deduced as to whether a forgery has been committed or not and as to who has committed the forgery. Since prima facie an cognizable offence is made out from perusal of the complaint/First Information Report, I feel this is not a case where the First Information Report has to be quashed. Further, the documents, which the petitioners rely upon, needs to be proved in evidence and nor can it be said that these documents are unimpeachable documents.

Learned senior counsel appearing on behalf of the opposite party No.2 at this stage submits that chargesheet has already been submitted in this case.

Considering what has been held above, I am not inclined to entertain the prayer made by the petitioners in these criminal miscellaneous petitions. These criminal miscellaneous petitions, accordingly, stand dismissed.

However, the petitioners are at liberty to raise all the points at the time of framing of charge.