[2024] 4 S.C.R. 372 : 2024 INSC 278

The State of Madhya Pradesh
v.
Shilpa Jain & Ors.

(Criminal Appeal Nos. 1565-1567 of 2024)

05 April 2024

[Vikram Nath and Satish Chandra Sharma,* JJ.]

Issue for Consideration

Whether the High Court is correct in exercising its jurisdiction under Section 482 CrPC to quash the FIR filed against Respondents.

Headnotes

Criminal Procedure Code, 1973 – s. 482 – Whether High Court proceeded on false premise that the Suit Property did not vest in State of Madhya Pradesh – Consequently proceeded to quash the FIR against Respondents:

Held: The Trial Court categorically found that the Suit Property belonged to the State of Madhya Pradesh while dismissing the Civil Suit – This finding was upheld by the High Court – The facts of the case reveal that the High Court chose to exercise its jurisdiction under Section 482 of the CrPC on the erroneous assumption that the Suit Property did not vest in the State of Madhya Pradesh – Undoubtedly, the genesis of the present dispute emanates from civil proceedings qua the possession of the Suit Property, however, the dispute in its current avatar has certainly undergone a metamorphosis into a criminal dispute – Having considered the materials on record, it is clear that neither does the present case satisfy any of the parameters laid down by this Court in *State of Haryana v. Bhajan Lal* 1992 Supp (1) SCC 335, warranting the exercise of jurisdiction under Section 482 of the CrPC vis-à-vis the quashing of an FIR; and nor can the allegation(s) levelled against the accused person(s) be classified as 'purely civil in nature' or merely 'cloaked as a criminal offence' – In view of aforesaid, the appeals succeed and are allowed – The Impugned Order passed by High Court is hereby set aside. [Para 6,9,11,12]

* Author

Criminal Procedure Code, 1973 – s. 482 – Whether Revenue proceedings confer rights, title, or interest in relation to property – Examined:

Held: Revenue records are not documents of title; and nor would any findings pursuant to revenue proceedings under the Madhya Pradesh Land Revenue Code, 1959 confer any rights, title or interest upon the Respondents in relation to the Suit Property – Title can only be determined by a civil court of competent jurisdiction. [Para 7]

Case Law Cited

State of Haryana v. Bhajan Lal [1990] Supp. 3 SCR 259 **: (1992) Supp (1) SCC 335;** *Mohd. Ibrahim v. State of Bihar* [2009] 13 SCR 1254 **: (2009) 8 SCC 751 — referred to.**

List of Acts

Indian Penal Code, 1860; Criminal Procedure Code, 1973; The Madhya Pradesh Land Revenue Code, 1959.

List of Keywords

Quashing of FIR under Section 482 CrPC; Offence related to government property; Revenue Proceedings to contend title of Property; Civil dispute undergone a metamorphosis into a criminal dispute; Exercise of jurisdiction under Section 482 CrPC; Interplay between civil disputes and criminal proceedings; Parameters for quashing of FIR.

Case Arising From

CRIMINAL APPELLATE JURISDICTION: Criminal Appeal Nos.1565-1567 of 2024

From the Judgment and Order dated 14.01.2016 of the High Court of M.P at Indore in MCRC No. 6972, 6981 and 7663 of 2015

Appearances for Parties

Padmesh Mishra, Pashupathi Nath Razdan, Mirza Kayesh Begg, Ms. Maitreyee Jagat Joshi, Astik Gupta, Ms. Akanksha Tomar, Argha Roy, Ms. Ojaswini Gupta, Ms. Ruby, Advs. for the Appellant.

Puneet Jain, Mrs. Christi Jain, Mann Arora, Ms. Akriti Sharma, Ms. Lisha Bhati, Ms. Pratibha Jain, Advs. for the Respondents

Judgment / Order of the Supreme Court

Judgment

Satish Chandra Sharma, J.

Introduction

1. The present appeals arise out of a common order dated 14.01.2016 passed by the High Court of Madhya Pradesh (the "**High Court**") in Miscellaneous Criminal Case bearing numbers (i) 6972 of 2015; (ii) 6981 of 2015; and (iii) 7663 of 2015, whereunder the High Court in exercise of its jurisdiction under Section 482 of the Code of Criminal Procedure ("**CrPC**") quashed (i) a First Information Report bearing number 551 of 2015 dated 25.07.2015 registered at PS Khategaon, Dewas (the "**FIR**") under Section(s) 420, 466, 467, 468, 471 and 120B of the Indian Penal Code, 1860 (the "**IPC**"); and (ii) the criminal proceedings emanating thereof (the "**Impugned Order**").

Factual Background

2. The facts and proceedings germane for contextual understanding of the present *lis*, are as follows:

   2.1 An underlying dispute ensued between the Nagar Palika, Khategaon (the "**Original Plaintiff**") and the Respondents in relation to an identified property situated at *Kasba* Khategaon, Dewas, Madhya Pradesh (the "**Suit Property**"). Accordingly, a civil suit bearing number 114A of 1988 seeking *inter alia* possession of the Suit Property was preferred by the Original Plaintiff before the 2nd Additional District Judge, Dewas (the "**Trial Court**") (the "**Civil Suit**"). Subsequently, *vide* an order dated 23.01.1991, the Civil Suit came to be dismissed observing *inter alia* that the Original Plaintiff failed to prove its' title qua the Suit Property (the "**Underlying Decree**").

   2.2 Thereafter, an appeal i.e., First Appeal No. 102 of 1991 was preferred by the Original Plaintiff before the High Court (the "**Appeal**"). *Vide* an order dated 07.04.1998, the High Court upheld the Underlying Decree and held that the Suit Property was constructed on land originally vested in the erstwhile Holkar State which subsequently came to be recorded in the revenue records as *nazul* land belonging to the State Government of Madhya Pradesh (the "**Underlying Order**"). Pertinently, the

Underlying Order was assailed before a Division Bench of the High Court by way of Letter Patent Appeal ("**LPA**") No. 357 of 2005, however *vide* an order dated 07.09.2005, the aforesaid LPA came to be dismissed.

2.3 The dispute between the parties seemingly attained finality, however, pursuant to a complaint received on 17.02.2015, an investigation was carried out by the *Tehsildar,* Khategaon, whereunder it was revealed that 11 (eleven) sale transactions had been carried out by private persons in respect of the Suit Property i.e., *nazul* land belonging to the State Government of Madhya Pradesh. Notably, the investigation also revealed that the aforesaid transactions were carried out fraudulently i.e., (i) without the requisite documentation and / or on the basis of forged and fabricated documentation; (ii) on the basis of an erroneous certificate dated 21.06.2010 issued by the Original Plaintiff; and (iii) in connivance with certain identified government officials. Accordingly, in view of the aforesaid, a complaint dated 25.07.2015 came to be furnished by the *Tehsildar,* Khategaon to the investigating agencies (the "**Complaint**").

2.4 In furtherance of the Complaint, the FIR came to be registered by the investigating agencies against 22 (twenty-two) persons including *inter alia* the Respondents. Aggrieved by the registration of the FIR, application(s) came to be preferred under Section 482 CrPC before the High Court seeking the quashing of the FIR (the "**Quashing Petition**"). *Vide* the Impugned Order, the High Court quashed the FIR and the proceeding(s) emanating thereof. The operative paragraph(s) of the Impugned Order are reproduced as under:

> *"05. Considering the above submissions and the evidence on record in the form of the judgments of the trial Court as well as the appellate Court that the respondent-state has been unable to prove its title. The suit as well as the appeal have been dismissed and in this light filing of criminal proceedings as alleged by the Counsel for the petitioners is nothing but a ploy to subjugate the petitioners. It has ben consistently stated by the Counsel for the petitioners that the*

petitioners are in possession of the said land for more than 90 years and Counsel has relied on several judgments of the Hon'ble Apex Court as well as this Court in the matter of ***Mohammed Ibrahim and others Vs. State of Bihar and another*** *[(2009) 8 SCC 751],* ***Ramesh Dutt and others Vs. State Punjab and others*** *[(2009) 15 SCC 429],* ***Rajib Ranjan and others Vs. R Vijaykumar*** *[(2005) 1 SCC 513],* ***Mr. Stephen V. Gomes and another*** *[2015 (II) MPWN 149],* ***Savitri Pandey and another v. State of UP*** *and others [AIR 2015 SC 2501],* ***AK Sharma (Cdr.) vs. State of MP*** *2015(3) JLJ 213 and* ***Chandran Ratnaswami Vs. KC Palanisamy and others*** *[2013 (6) SCC 740] to state that the Hon'ble Supreme Court and this Hon'ble Court have repeatedly held and quashed FIR and criminal proceedings relating to a dispute of title of property and other civil disputes and Counsel prayed for quashment of the FIR.*

06. Besides Counsel also submitted that there was no allegation against the petitioners regarding their having forged any document or their having manipulated any documents or cheating. Then under the circumstances offences could not be made out against the petitioners. Counsel has vehemently urged that the action of the Tehsildar in lodging the FIR and registration of the offences is a gross misuse of the power and invoking the criminal law and procedure is purely contrary to the principles of natural justice as well as the provisions of the law since civil proceedings established title and the State has lost on both these counts.

07. Hence, I find that a judicial process should not be an instrument of oppression, or, needless harassment. The Apex Court has in several cases warned that Authorities should be circumspect and judicious in exercising

> *discretion and should take all relevant facts and circumstances into consideration before issuing process; otherwise the process would become a mere instrument in the hands of the private complainant to seek vendetta and short circuit a procedure of law. Especially, in the present case the civil matters are still pending consideration and placing reliance on* ***Suneet Gupta Vs. Anil Triloknath Sharma and others 2008 (11) SC 670*** *I find that the FIR needs to be quashed primarily on the ground that the dispute is purely civil in nature and the complaint amounts to an abuse the process of law.*
>
> *The impugned FIR stands hereby quashed. The petitions are, therefore, allowed."*

2.5 Aggrieved by the aforesaid Impugned Order, the present appeal came to be preferred by the Appellant.

2.6 It would also be apposite to mention that during the pendency of the present appeal, certain proceeding(s) ensued before the Revenue Court i.e., eviction proceedings under Section 248 of the Madhya Pradesh Land Revenue Code, 1959 (the "**Code**") came to be instituted by the *Tehsildar,* Khategaon against certain Respondents. The aforesaid proceedings were decided against the Respondents by (i) the *Tehsildar,* Khategaon; (ii) the Sub-Divisional Commissioner; and (iii) the Additional Commissioner. Thereafter a revision petition i.e., revision no. 3140/2019/ Devas/L.R,was preferred before the Board of Revenue, Madhya Pradesh. Accordingly, v*ide* an order dated 26.10.2018, the aforesaid proceedings came to be decided in favour of the Respondents (the "**Revenue Board Order**"). Subsequently, a rectification order dated 02.09.2020 came to be passed by the Ld. Sub-Divisional Office, Khategaon, Dewas, Madhya Pradesh whereunder the Suit Property was directed to be recorded as '*abadi land'* as against '*nazul government land'* in the relevant revenue records (the "**SDO Order**") (hereinafter (i) the Revenue Board Order; and (ii) the SDO Order shall collectively be referred to as the "**Revenue Proceedings**").

Contentions

3. Mr. Padmesh Mishra, learned counsel appearing on behalf of the Appellant i.e., the State of Madhya Pradesh, urged the following:

   3.1 The High Court proceeded on an erroneous premise i.e., that the State of Madhya Pradesh was unable to prove its title qua the Suit Property in the Civil Suit; and consequently, on the aforesaid flawed premise, the High Court proceeded to quash the FIR and the proceedings emanating thereof by labelling the same as vexatious. Whereas, on the contrary, the Underlying Decree passed in the Civil Suit categorically recorded that the Suit Property vested in the State of Madhya Pradesh.

   3.2 The allegations levelled against the accused persons in the FIR, *prima facie* reveal the commission of a cognizable offence - which ought not to have been scuttled by the High Court exercising its jurisdiction under 482 of the CrPC in view of the seriousness of the allegation(s).

   3.3 Mr. Puneet Jain, learned counsel appearing on behalf of the Respondents, brought forth the following contentions

   3.4 The underlying dispute was of a civil nature which stood adjudicated in favour of the Respondents i.e., in this regard, reliance was placed upon the Revenue Proceedings to contend that the Suit Property was rightly determined to form a part of private land which was validly transferred *inter se* the Respondents.

   3.5 The foundation of the FIR contemplated that the Suit Property belonged to State of Madhya Pradesh – however the aforesaid premise is no longer valid - as according to Mr. Jain, the title of the Suit Property has been adjudicated to vest in the Respondents by the Board of Revenue, Madhya Pradesh and the SDO in the Revenue Proceedings.

Analysis and Findings

4. Having heard the learned counsel(s) appearing on behalf of the parties; and having perused the materials on record, we find ourselves tasked with determining whether the High Court ought to have exercised its jurisdiction under Section 482 CrPC to quash the FIR?

5. As a precursor, it would be relevant to refer to the principles governing the exercise of jurisdiction of the High Court under Section 482 of the CrPC vis-à-vis the quashing of an FIR. This Court in ***State of Haryana v. Bhajan Lal***, 1992 Supp (1) SCC 335 observed as under:

> *"**102.** In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we give the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.*
>
> *(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.*
>
> *(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.*
>
> *(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.*
>
> *(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.*

(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.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/ or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(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.

***103**. We also give a note of caution to the effect that the power of quashing a criminal proceeding should be exercised very sparingly and with circumspection and that too in the rarest of rare cases; that the court will not be justified in embarking upon an enquiry as to the reliability or genuineness or otherwise of the allegations made in the FIR or the complaint and that the extraordinary or inherent powers do not confer an arbitrary jurisdiction on the court to act according to its whim or caprice."*

6. We have carefully perused the Underlying Order passed by the High Court in the Appeal. The Civil Suit was initiated by the Original Plaintiff i.e., Nagar Palika, Khategaon, against 2 (two) private individuals. Accordingly, *vide* the Underlying Decree, the Trial Court dismissed the Civil Suit, however, categorically found that the Suit Property belonged to the State of Madhya Pradesh. This finding was upheld by the High Court in the Underlying Order.

7. At this juncture it would also be appropriate to deal with the reliance placed by Mr. Jain on the Revenue Proceedings to contend that title qua the Suit Property now vested with the Respondents and accordingly it was submitted that, reopening and / or initiating criminal proceedings would result in an abuse of process of law. However,

we find ourselves unable to accept Mr. Jain's contention qua the title of the Suit Property. It is trite law that revenue records are not documents of title; and nor would any findings pursuant to revenue proceedings under the Code confer any rights, title or interest upon the Respondents in relation to the Suit Property. It is a settled legal position that questions of title can only be determined by a civil court of competent jurisdiction. Thus, the reliance placed on the Revenue Proceedings is misplaced and would be of no assistance to the Respondents.

8. The sequitur to the aforesaid discussion is that the High Court proceeded on an erroneous assumption i.e., that the State of Madhya Pradesh failed to prove its title qua the Suit Property.

9. In the aforesaid context, we now must proceed to deal with the issue framed by us in Paragraph 4 of this Judgement. The facts of the case reveal that the High Court chose to exercise its jurisdiction under Section 482 of the CrPC on the assumption that the Suit Property did not vest in the State of Madhya Pradesh. However, as we have held to the contrary, we consider it appropriate to independently consider whether the allegations levelled against the Respondents under the FIR would satisfy any of the indicative parameters laid down by this Court in ***Bhajan Lal*** ***(Supra)*** warranting interference by the High Court in exercise of its jurisdiction under Section 482 of the CrPC vis-à-vis the quashing of an FIR.

10. Additionally, we are conscious of the interplay between civil disputes and criminal proceedings, in this regard we find it appropriate to refer to a decision of this Court in ***Mohd. Ibrahim v. State of Bihar***, (2009) 8 SCC 751, wherein this Court observed as under:

> *"8. This Court has time and again drawn attention to the growing tendency of the complainants attempting to give the cloak of a criminal offence to matters which are essentially and purely civil in nature, obviously either to apply pressure on the accused, or out of enmity towards the accused, or to subject the accused to harassment. Criminal courts should ensure that proceedings before it are not used for settling scores or to pressurise parties to settle civil disputes. U (See G. Sagar Suri v. State of U.P. [(2000) 2 SCC 636 : 2000 SCC (Cri) 513] and Indian Oil Corpn. v. NEPC India Ltd. [(2006) 6 SCC 736 : (2006) 3*

SCC (Cri) 188]) Let us examine the matter keeping the said principles in mind."

11. Having considered the materials on record, we are of the considered opinion that neither does the present case satisfy any of the parameters laid down by this Court in ***Bhajan Lal*** ***(Supra)*** warranting the exercise of jurisdiction under Section 482 of the CrPC vis-à-vis the quashing of an FIR; and nor can the allegation(s) levelled against the accused person(s) be classified as 'purely civil in nature' or merely 'cloaked as a criminal offence'. Undoubtedly, the genesis of the present dispute emanates from civil proceedings qua the possession of the Suit Property, however, the dispute in its current *avatar* i.e. as is discernible from the allegation levelled against the Respondents in the FIR, has certainly undergone a metamorphosis into a criminal dispute which ought not to have been scuttled at the threshold, and in fact ought to have been considered on its own merits, in accordance with law.

Directions and Conclusions

12. In view of aforesaid, the appeals succeed and are allowed. The Impugned Order passed by High Court is hereby set aside. The Appellant i.e., State of Madhya Pradesh is directed to proceed in accordance with law in relation to the FIR bearing number 551 of 2015 dated 25.07.2015 registered at PS Khategaon, Dewas.

13. It is clarified that the observations made in this judgement are relevant for the purpose of testing the correctness of the Impugned Order. None of the observations made by us shall have any bearing on the consequential criminal proceedings (if any).

14. The appeals are allowed in the aforesaid terms. Pending applications, if any, shall also stand disposed of.

Headnotes prepared by:
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(*Verified by:* Raju Ramchandran, Sr. Adv.)

Result of the case:
Appeals allowed.