2025 INSC 1153

REPORTABLE

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 4250 OF 2025
(Arising out of SLP (Crl.) No. 2682 of 2020)

ANUKUL SINGH … APPELLANT(S)

VERSUS

STATE OF UTTAR PRADESH AND ANR. … RESPONDENT(S)

J U D G M E N T

R. MAHADEVAN, J.

Leave granted.

2. This Criminal Appeal is directed against the final judgment and order dated 22.10.2019 passed by the High Court of Judicature at Allahabad[1] in Application No. 3856 of 2004, whereby the High Court dismissed the appellant's application filed under Section 482 of the Code of Criminal

[1] Hereinafter referred to as "the High Court"

Procedure, 1973 [2] seeking quashing of the charge sheet as well as the consequential proceedings arising out of Crime No. 47 of 2003, registered at Police Station Bilari, District Moradabad, for offences punishable under Sections 420, 467, and 468 of the Indian Penal Code, 1860[3].

3. According to the appellant, his father Shri Netrapal Singh purchased land admeasuring 8.592 hectares, situated in Khasra Nos. 18, 19, 20, 21 and 22 of Village Sherpur Mafi, Tehsil Bilari, District Moradabad from one Akil Hussain by a registered sale deed dated 09.08.2000. After the purchase, the appellant's father applied for mutation of the property in his favour. The vendor Akil Hussain did not raise any objection before the Tehsildar. However, the Shaher Imam of Bilari with *mala fide* intent to usurp the property, filed objections alleging that the land was being used for Qurbani. The Tehsildar, Bilari, by order dated 19.04.2001, rejected the objections and directed mutation in favour of the appellant's father.

4. The appellant further averred that, since he opposed the performance of Qurbani on his land, the Sub Divisional Magistrate, Bilari, at the behest of local politicians and the Shaher Imam, summoned the appellant and his family to Police Station Bilari on 20.01.2003. They were pressurized to sell the property to the Shaher Imam for Qurbani. Upon their refusal, the appellant and his family

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[2] For short, "Cr.P.C"
[3] For short, "IPC"

were threatened with dire consequences and continuously harassed by the local police. Aggrieved, the appellant and his father filed an application for surrender before the Chief Judicial Magistrate, Moradabad, stating that despite no criminal cases being pending, they were being harassed by the police at the instance of the District Administration. The Station Officer, Police Station, Bilari, in his report dated 01.02.2003, confirmed that no criminal case was pending against the appellant or his family members, but admitted that their opposition to Qurbani on the land was causing problems for the District Administration.

5. It was also averred that, thereafter, the local police, acting at the behest of the District Administration and local politicians, falsely implicated the appellant in eight FIRs within a span of one week, three of which were registered on 05.02.2003. Among them, Crime No. 47 of 2003, which forms the subject matter of the present proceedings, was registered on 05.02.2003 on the basis of a complaint lodged by Respondent No. 2. According to the appellant, the said FIR was a counterblast to FIR No. 120 of 2002 dated 22.06.2002 registered under Sections 406, 506 and 420 IPC on his complaint, in which, the complainant himself had been arrested. In the present case, Respondent No. 2 / complainant alleged that he had approached the appellant for a loan of Rs.2,00,000/-, but was advanced only Rs.1,40,000 and was compelled to execute an agreement to sell dated 09.11.1998 in respect of his plot. It was further alleged that the appellant coerced him to issue three cheques in favour of

the appellant, Netrapal Singh and Lakhpat Singh, which, upon presentation, were dishonoured for insufficiency of funds. Pursuant thereto, a charge sheet was filed against the appellant on 16.04.2003.

6. Apprehending bias on the part of the local Police and District Administration, the appellant made a representation to the Government of Uttar Pradesh (U.P.) seeking transfer of investigation of all cases registered against him to the CBCID or another independent agency. When no action was taken, the appellant filed Criminal Misc. Writ Petition No. 2047 of 2003, wherein, the High Court by order dated 23.04.2003, directed the Chief Secretary, U.P., to decide the representation. However, based on the report dated 10.06.2003 of the Superintendent of Police, Moradabad, the State rejected the request. Aggrieved, the appellant filed Writ Petition No. 3713 of 2003 before the High Court, seeking quashing of the State's order and transfer of investigation to an independent agency. During the pendency of the writ petition, the local police hurriedly filed charge sheets against the appellant, which fact was noticed by the High Court in its order dated 16.01.2004.

7. Stating that the FIR dated 05.02.2003 and charge sheet dated 16.04.2003 do not disclose any criminal offence and, at the highest, relate to civil disputes, for which the complainant had not availed appropriate civil remedies, the appellant filed Application No. 3856 of 2004 under Section 482 Cr.P.C seeking quashing of the criminal proceedings instituted against him. The High Court, by

interim order dated 22.05.2004 stayed further proceedings arising of the FIR No. 47 of 2003. Ultimately, however, by the impugned judgment and final order dated 22.10.2019, the High Court dismissed the application. Challenging the same, the present Criminal Appeal has been preferred before this Court.

8. The learned Senior Counsel appearing for the appellant submitted that the FIR dated 05.02.2003 and the charge sheet dated 16.04.2003 are a gross abuse of the process of law. Even if the allegations in the FIR are taken at their face value, they disclose at best a civil dispute for which the complainant ought to have sought redressal before the appropriate civil court. The appellant is not even a signatory to the alleged agreement to sell dated 09.11.1998, which the complainant claimed to have executed under coercion.

8.1. It was urged that the present FIR was a counterblast to the earlier FIR No. 120/2002 dated 22.06.2002 registered at the instance of the appellant under Sections 406, 506 and 420 IPC, in which Respondent No. 2 himself was arrested. Further, prior to registration of the present FIR, the appellant had also instituted two complaint cases under Section 138 of the Negotiable Instruments Act, 1881 [4] against the complainant for dishonour of cheques, and the complainant has since been convicted by the Additional Court, N.I. Act, Moradabad, by judgment dated 15.01.2025 in those proceedings. Thus, the

[4] For short, "N.I. Act"

present FIR was lodged maliciously in connivance with the local police to wreak vengeance on the appellant.

8.2. It was submitted that the investigation was conducted with apparent bias by the local police at the behest of local politicians and the District Administration. This is evident from the fact that the appellant was implicated as accused in eight FIRs within a span of one week, and charge sheets were filed in a hurried manner during the pendency of the appellant's writ petition seeking transfer of investigation. This fact was also noticed by the High Court in its order dated 16.01.2004 passed in Criminal Misc. Writ Petition No. 3713 of 2003.

8.3. The learned Senior Counsel contended that the High Court erred in holding that the appellant's submissions constituted defence evidence which could not be examined at the stage of Section 482 proceedings. Reliance was placed on ***Suryalakshmi Cotton Mills Ltd. v. Rajvir Industries Ltd***[5], wherein, this Court held that though ordinarily defence material may not be considered, documents of unimpeachable character can be looked into for the purpose of determining whether continuance of proceedings would amount to abuse of process of court.

8.4. Further reliance was placed on ***Anand Kumar Mohatta v. State (NCT of Delhi)***[6], wherein this Court held that the High Court's jurisdiction under Section

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[5] (2008) 13 SCC 678
[6] (2019) 11 SCC 706

482 Cr.P.C. is not confined to the stage of FIR and can be exercised even after filing of charge sheet, to prevent abuse of process of law. Similarly, in ***Mukesh and others v. State of UP and others***[7], this Court held that the scope of Section 482 is wider than that of discharge proceedings, as in quashing petitions the accused may rely on documents outside the charge sheet to demonstrate abuse of process of law.

8.5. It was finally submitted that the present case squarely falls under the categories illustrated in ***State of Haryana v. Bhajan Lal***[8], particularly Para 102(7), where, this Court held that proceedings manifestly attended with mala fide, or maliciously instituted with an ulterior motive for wreaking vengeance due to private or personal grudge, are liable to be quashed.

8.6. On these grounds, it was urged that the criminal prosecution launched against the appellant is malicious, mala fide, and a clear abuse of process of court, and therefore, the impugned order of the High Court deserves to be set aside and the FIR as well as all consequential proceedings quashed.

9. Per contra, the learned Senior Counsel / Advocate General appearing for the State submitted that upon lodging of FIR dated 05.02.2003 in Case Crime No. 47 of 2003, under Sections 420, 467 and 468 IPC, Police Station Bilari, District Moradabad, the matter was duly investigated. After collecting sufficient material, the Investigating Officer submitted charge sheet No. 65/2003 on

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[7] SLP (Crl) No. 12354 of 2024 decided on 29.11.2024

[8] 1992 Supp (1) SCC 335

16.04.2003 against the appellant herein. It was further pointed out that on 10.06.2003, the Superintendent of Police, Moradabad, submitted a report before the High Court detailing the status of all eight criminal cases registered against the appellant.

9.1. It was urged that the appellant invoked the jurisdiction of the High Court under Section 482 Cr.P.C. seeking quashing of the charge sheet and consequential proceedings in Case Crime No. 47 of 2003 on the ground that the police had filed the charge sheet merely on suspicion. However, at the stage of submission of charge sheet, the Court is only required to examine the investigation papers and documents collected by the police. Any defence of the accused is a matter of trial and cannot be considered at this stage. Consequently, the High Court rightly declined to entertain the appellant's plea as evaluation of defence materials falls outside the scope of Section 482 proceedings.

9.2. Learned Senior Counsel further submitted that this Court has consistently held that at the stage of charge sheet, factual disputes and appreciation of evidence are beyond the scope of inquiry under Section 482 Cr.P.C. The veracity of allegations is a matter for trial. Reliance was placed on ***Md. Allauddin Khan v. State of Bihar and others***[9], wherein this Court observed:

> *"17. In our view the High Court had no jurisdiction to appreciate the evidence of the proceedings under of the Code of Criminal Procedure, because whether there are contradictions or/and inconsistencies in the statements of the witnesses is essentially an issue relating to appreciation of evidence and the same can be*

[9] Criminal Appeal No. 675 of 2019

> *gone into by the Judicial Magistrate during Trial when the entire evidence is adduced by the parties."*

9.3. Placing reliance on the above principle, it was submitted that the impugned order dated 22.10.2019 passed by the High Court dismissing the appellant's Section 482 petition suffers from no illegality. The High Court correctly recorded as follows:

> *"No material irregularity in the procedure followed by Court below has been pointed out. It is not a case of grave injustice justifying interference in this application at this stage. In view thereof, I do not find any illegality or infirmity in impugned charge sheet. This application lacks merit and is accordingly dismissed."*

9.4. Therefore, the learned Senior Counsel contended that a cognizable offence is clearly made out from the material gathered during investigation; the matter is under trial; and if the appellant has any defence, the same can only be established before the trial Court. The proceedings under Section 482 Cr.P.C. cannot be invoked to short-circuit the trial process. Accordingly, the present Criminal Appeal is devoid of merit and liable to be dismissed.

10. We have heard the rival submissions and perused the materials available on record including the judgments relied by them.

11. Before adverting to the facts of the present case, it is necessary to recapitulate the settled legal principles governing the exercise of inherent powers under Section 482 Cr.P.C. It is well established that though the High

Court possesses wide and plenary inherent jurisdiction, such power is not unbridled or unlimited, but circumscribed by self-imposed restraints evolved through judicial pronouncements.

11.1. This Court in ***State of Haryana v. Bhajan Lal***[10]**,** at paragraph 102, laid down illustrative categories where quashing of proceedings is justified. These are:

> *"(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 Act concerned (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 Act concerned, 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."*

[10] 1992 Supp (1) SCC 335 : 1992 SCC (Cri) 426

The categories in ***Bhajan Lal*** are illustrative and not exhaustive, but they provide guiding principles to balance two competing considerations – (a)preventing abuse of process of law, and (b)ensuring that criminal proceedings are not stifled at the threshold on disputed questions of fact.

11.2. Equally, this Court has consistently cautioned that the High Court, while exercising jurisdiction under Section 482 Cr.P.C., cannot embark upon a "mini-trial" or weigh the sufficiency of evidence, which falls within the domain of the trial Court. The scope of enquiry is confined to whether, on a plain reading of the FIR / complaint and accompanying material, the ingredients of the alleged offence are disclosed. [See: ***Rajiv Thapar v. Madal Lal Kapoor***[11], ***HMT Watches v. Abida***[12], and ***Rathish Babu Unnikrishnan v. the State (Govt. of NCT of Delhi) and others***[13]].

11.3. In ***Md. Allauddin Khan v. State of Bihar***[14], it was reiterated that appreciation of contradictions or inconsistencies in witness statements lies within the exclusive domain of the trial Court and not in proceedings under Section 482 Cr.P.C. Similarly, in ***CBI v. Aryan Singh***[15], it was emphasized that the High Court had exceeded its jurisdiction by examining the merits of the prosecution's case and holding that charges were not proved, which is a matter strictly for trial.

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[11] (2013) 3 SCC 330
[12] (2015) 11 SCC 776
[13] MANU/SC/0542/2022
[14] (2019) 6 SCC 107
[15] (2023) 18 SCC 399

11.4. Nevertheless, an exception has been recognized where the defence relies upon unimpeachable, incontrovertible evidence of sterling quality – such as documents of undisputed authenticity – which *ex facie* demonstrate that continuation of criminal proceedings would be unjust and oppressive. This principle was recognized in ***Suryalakshmi Cotton Mills Ltd v. Rajvir Industries Ltd***[16], and followed in subsequent decisions.

11.5. Thus, the cumulative principles that emerge are: while the jurisdiction under Section 482 Cr.P.C is extraordinary and must be exercised sparingly, it is the duty of the High Court to intervene where continuation of criminal proceedings would amount to an abuse of process of law, or where the dispute is purely of a civil nature and criminal colour has been artificially given to it. Conversely, where disputed questions of fact arise requiring adjudication, the matter must ordinarily proceed to trial.

12. The specific case of the appellant is that his father purchased land comprised in Khasra Nos. 18, 19, 20, 21 and 22 situated at Village Sherpur Mafi, District Moradabad, from one Akil Hussain. This land was used for the purposes of Qurbani. According to the appellant, in order to usurp the said property, the Shaher Imam of Bilari, in collusion with the district administration and under pressure exerted upon the local police, ensured that a series of false criminal cases were foisted against him. As many as eight FIRs were lodged

[16] (2008) 13 SCC 678

against the appellant, including the present one, all of which, in substance, arise out of a civil dispute relating to ownership and possession of the property. Initiation of the present criminal proceedings, therefore, amounts to a clear abuse of the process of law, squarely falling within the illustrative categories delineated in ***Bhajan Lal,*** particularly where the dispute is manifestly civil in nature and the prosecution is maliciously instituted with an ulterior motive.

13. The record reveals that within a short span, as many as eight FIRs were registered against the appellant. The gravamen of the allegations in the present FIR is that Respondent No. 2 / complainant approached the appellant for a loan of Rs. 2,00,000/-, but was allegedly advanced only Rs. 1,40,000/-. It is further alleged that, in connection with the said transaction, an agreement to sell dated 09.11.1998 was executed in respect of a plot owned by the complainant, and that the appellant procured three cheques from Respondent No. 2, which, upon presentation, were dishonoured for insufficiency of funds. Even if accepted in entirety, these allegations disclose, at best, a civil dispute and do not *prima facie* constitute the essential ingredients of the criminal offences alleged.

14. It is significant to note that prior to registration of the present FIR, the appellant had already initiated proceedings against Respondent No.2, namely a complaint under Section 138 of the N.I. Act (Complaint No. 2402840 / 2005) before the N.I. Court, Moradabad, as well as FIR No. 120/2002, in which, the complainant himself was arrested. The present FIR was lodged nearly three

months after the filing of the Section 138 complaint and seven months after FIR No. 120/2002. The plea that the FIR is a retaliatory counterblast to the proceedings legitimately initiated by the appellant, therefore, carries substantial weight.

15. The mala fide nature of the complaint is further fortified by the fact that, by judgment dated 15.01.2025, the trial Court convicted Respondent No. 2 under Section 138 of the N. I. Act, sentencing him to one month's imprisonment and imposing a fine of Rs. 90,000/-. This conviction lends strong support to the appellant's case that the initiation of the present FIR was a retaliatory measure, maliciously instituted with an ulterior motive to neutralise the lawful action taken by him.

16. Despite this background, the police proceeded to file a charge sheet dated 16.04.2003 against the appellant for offences under sections 420, 467, and 468 IPC. Even if the allegations are assumed to be true, they unmistakably arise out of a commercial / contractual transaction relating to loan and repayment, which has been given a criminal colour. The case thus falls squarely within categories (1) and (7) of ***Bhajan Lal,*** namely, where the allegations do not disclose the commission of an offence, and where the proceedings are maliciously instituted with an ulterior motive. Continuation of such prosecution would amount to an abuse of process of law and consequently, warrant quashing under Section 482 Cr.P.C.

17. This Court has, in a long line of decisions, deprecated the tendency to convert civil disputes into criminal proceedings. In ***Indian Oil Corporation v. M/s. NEPC India Ltd***.[17], it was held that criminal law cannot be used as a tool to settle scores in commercial or contractual matters, and that such misuse amounts to abuse of process. The following paragraphs from the decision are apposite:

> *"9. The principles, relevant to our purpose are:*
> *(i) A complaint can be quashed where the allegations made in 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 the case alleged against the accused. For this purpose, the complaint has to be examined as a whole, but without examining the merits of the allegations. Neither a detailed inquiry nor a meticulous analysis of the material nor an assessment of the reliability or genuineness of the allegations in the complaint, is warranted while examining prayer for quashing of a complaint.*
> *(ii) A complaint may also be quashed where it is a clear abuse of the process of the court, as when the criminal proceeding is found to have been initiated with malafides/malice for wreaking vengeance or to cause harm, or where the allegations are absurd and inherently improbable.*
> *(iii) The power to quash shall not, however, be used to stifle or scuttle a legitimate prosecution. The power should be used sparingly and with abundant caution.*
> *(iv) The complaint is not required to verbatim reproduce the legal ingredients of the offence alleged. If the necessary factual foundation is laid in the complaint, merely on the ground that a few ingredients have not been stated in detail, the proceedings should not be quashed. Quashing of the complaint is warranted only where the complaint is so bereft of even the basic facts which are absolutely necessary for making out the offence.*
> *(v) A given set of facts may make out: (a) purely a civil wrong; or (b) purely a criminal offence; or (c) a civil wrong as also a criminal offence. A commercial transaction or a contractual dispute, apart from furnishing a cause of action for seeking remedy in civil law, may also involve a criminal offence. As the nature and scope of a civil proceedings are different from a criminal proceeding, the mere fact that the complaint relates to a commercial transaction or breach of contract, for which a civil remedy is available or has been availed, is not by*

[17] (2006) 6 SCC 738

> *itself a ground to quash the criminal proceedings. The test is whether the allegations in the complaint disclose a criminal offence or not.*
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> *10. While on this issue, it is necessary to take notice of a growing tendency in business circles to convert purely civil disputes into criminal cases. This is obviously on account of a prevalent impression that civil law remedies are time consuming and do not adequately protect the interests of lenders/creditors. Such a tendency is seen in several family disputes also, leading to irretrievable break down of marriages/families. There is also an impression that if a person could somehow be entangled in a criminal prosecution, there is a likelihood of imminent settlement. Any effort to settle civil disputes and claims, which do not involve any criminal offence, by applying pressure though criminal prosecution should be deprecated and discouraged."*

18. Similarly, in ***Inder Mohan Goswami and another v. State of Uttaranchal and others***[18], it was emphasized that criminal prosecution must not be permitted as an instrument of harassment or private vendetta. In ***Ganga Dhar Kalita v. State of Assam***[19], this Court again reiterated that criminal complaints in respect of property disputes of civil nature, filed solely to harass the accused or to exert pressure in civil litigation, constitute an abuse of process.

19. Most recently, in ***Shailesh Kumar Singh @ Shailesh R. Singh v. State of Uttar Pradesh and others***[20], this Court disapproved the practice of using criminal proceedings as a substitute for civil remedies, observing that money recovery cannot be enforced through criminal prosecution where the dispute is essentially civil. The Court cautioned High Courts not to direct settlements in

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[18] AIR 2008 SC 251
[19] (2015) 9 SCC 647
[20] Criminal Appeal No. 2963/2025 decided on 14.07.2025 : 2025 INSC 869

such matters but to apply the settled principles in ***Bhajan Lal***. The following paragraphs are relevant in this context:

> *"9. What we have been able to understand is that there is an oral agreement between the parties. The Respondent No.4 might have parted with some money in accordance with the oral agreement and it may be that the appellant – herein owes a particular amount to be paid to the Respondent No.4. However, the question is whether prima facie any offence of cheating could be said to have been committed by the appellant.*
> *10. How many times the High Courts are to be reminded that to constitute an offence of cheating, there has to be something more than prima facie on record to indicate that the intention of the accused was to cheat the complainant right from the inception. The plain reading of the FIR does not disclose any element of criminality.*
> *11. The entire case is squarely covered by a recent pronouncement of this Court in the case of "Delhi Race Club (1940) Limited vs. State of Uttar Pradesh" reported in (2024) 10 SCC 690. In the said decision, the entire law as to what constitutes cheating and criminal breach of trust respectively has been exhaustively explained. It appears that this very decision was relied upon by the learned counsel appearing for the petitioner before the High Court. However, instead of looking into the matter on its own merits, the High Court thought fit to direct the petitioner to go for mediation and that too by making payment of Rs. 25,00,000/- to the 4th respondent as a condition precedent. We fail to understand why the High Court should undertake such exercise. The High Court may either allow the petition saying that no offence is disclosed or may reject the petition saying that no case for quashing is made out. Why should the High Court make an attempt to help the complainant to recover the amount due and payable by the accused. It is for the Civil Court or Commercial Court as the case may be to look into in a suit that may be filed for recovery of money or in any other proceedings, be it under the Arbitration Act, 1996 or under the provisions of the IB Code, 2016.*
> *12. Why the High Court was not able to understand that the entire dispute between the parties is of a civil nature.*
> *13. We also enquired with the learned counsel appearing for the Respondent No.4 whether his client has filed any civil suit or has initiated any other proceedings for recovery of the money. It appears that no civil suit has been filed for recovery of money till this date. Money cannot be recovered, more particularly, in a civil dispute between the parties by filing a First Information Report and seeking the help of the Police. This amounts to abuse of the process of law.*
> *14. We could have said many things but we refrain from observing anything further. If the Respondent No.4 has to recover a particular amount, he may file a*

> *civil suit or seek any other appropriate remedy available to him in law. He cannot be permitted to take recourse of criminal proceedings.*
> *15. We are quite disturbed by the manner in which the High Court has passed the impugned order. The High Court first directed the appellant to pay Rs.25,00,000/- to the Respondent No.4 and thereafter directed him to appear before the Mediation and Conciliation Centre for the purpose of settlement. That's not what is expected of a High Court to do in a Writ Petition filed under Article 226 of the Constitution or a miscellaneous application filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR or any other criminal proceedings. What is expected of the High Court is to look into the averments and the allegations levelled in the FIR along with the other material on record, if any. The High Court seems to have forgotten the well-settled principles as enunciated in the decision of this Court in the "**State of Haryana & Others vs. Bhajan Lal & Others" Reported in 1992 Supp.(1) SCC 335.**"*

20. Applying the above principles to the facts of the present case, it is manifest that the dispute – concerning repayment of loan money and the alleged coercion in execution of documents – is purely civil in character. The essential ingredients of cheating or forgery are not *prima facie* made out. The institution of multiple FIRs in quick succession, particularly after the appellant had already initiated lawful proceedings, reinforces the inference of mala fides.

21. The High Court, in refusing to quash the proceedings, misdirected itself in law by failing to apply the ratio laid down in ***Bhajan Lal***, and the subsequent authorities referred to above, which uniformly hold that the machinery of criminal law cannot be permitted to be misused for settling civil disputes or to wreak vengeance.

22. Accordingly, the impugned judgment dated 22.10.2019 of the High Court is set aside. FIR No. 47 of 2003 dated 05.02.2003 and the consequential charge sheet dated 16.04.2003, pending before the trial Court, are hereby quashed. This judgment, however, shall not preclude the parties from pursuing civil remedies as may be available to them in accordance with law.

23. In the result, the Criminal Appeal stands allowed in the above terms.

24. Pending Application(s), if any, stand disposed of.

.....J.
[B.V. NAGARATHNA]

.....J.
[R. MAHADEVAN]

NEW DELHI;
SEPTEMBER 24, 2025