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MCRC-24103-2022

IN THE HIGH COURT OF MADHYA PRADESH  
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE MILIND RAMESH PHADKE

MISC. CRIMINAL CASE No. 24103 of 2022*SATYA PRAKASH SHARMA**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

*Shri Sanjay Gupta - Advocate for the applicant.**Shri BPS Chauhan - Public Prosecutor for the State.**Shri Rakesh Kumar Sharma - Senior Advocate alongwith Shri V.K.**Agarwal and Shri Rahul Jha - Advocate for the respondent  
No.2/complainant.*  
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RESERVED ON :- 23/09/2025

DELIVERED ON :- 17/10/2025

ORDER

The present application, under Section 482 of CrPC has been filed by the applicants Satya Prakash Sharma seeking quashment of F.I.R. bearing Crime No.24 of 2022 registered at Cyber Branch District Gwalior for offence under Sections 465 and 469 of Indian Penal Code and further proceedings arising out of the said FIR, if any.

FACTS

As per prosecution story, the complainant Dharamveer Kushwah, son of Shri Moolchand Kushwah, who describes himself as a journalist working with Dainik Rajdhani Media, lodged a written complaint alleging that on



04.04.2022, at about 10:15 PM, he received nine (09) SMS messages on his personal Mobile No [REDACTED]. The said messages indicated that several Speed Post articles had been booked in his name. The complainant, upon verification of the said information, found that these postal articles had been booked from the MBC Counter at Railway Station Post Office. He immediately approached the concerned postal authorities and informed them that no such postal booking had been made by him. On his request, the authorities initiated a process to recall the said postal articles, which had been falsely booked in his name. It is alleged that out of the total nine (09) postal articles, six (06) articles were received back by the complainant at his residential address on 07.04.2022 through Speed Post. Upon opening one of the envelopes, the complainant found that it contained a typed complaint addressed to the Transport Minister and the Transport Commissioner, purporting to be from him. The said complaint, however, did not bear any person's signature, but falsely mentioned the complainant's name, address, and mobile number as the sender on the envelope. The complainant has further alleged that some unknown person, by impersonating him, had sent these forged complaints with intention to defame and malign his reputation as a journalist and to cause harm to the goodwill of his newspaper. On the basis of the said written complaint, alleged FIR was registered under Sections 465 and 469 of the Indian Penal Code, pertaining to forgery and forgery for the purpose of harming reputation. Accordingly, a case was registered and was taken up for investigation.

During the course of investigation, it was revealed, on the basis of



CCTV footage, that the said postal articles were dispatched by one Ajay Salunke, who works as the private driver of the present applicant. Further investigation disclosed that the mobile location of the applicant was found to be in the vicinity of the Post Office at the relevant time when the articles were dispatched. Consequent to these findings, co-accused Ajay Salunke was arrested. During interrogation, he stated in writing that the said postal articles had been handed over to him by Gurusharan Singh Ahluwalia, another journalist. Despite this, on the basis of the mobile location of one of the applicant's phones, which as claimed by the applicant is kept in his vehicle to monitor the driver's movement, the name of the applicant was also added as an accused in the present crime. Accordingly, as per the prosecution, it is alleged that the applicant, in collusion with co-accused Ajay Salunke and others, was instrumental in the preparation and dispatch of forged postal articles containing false complaints, with intention to defame and damage the reputation of the complainant.

### ARGUMENTS

Learned counsel for the applicant has submitted before this Court that the prosecution case, as emerging from the record, is that one Dharamveer Kushwah, styling himself to be a journalist associated with Dainik Rajdhani Media Newspaper, lodged a written complaint alleging that on 04.04.2022 at about 10:15 PM, he received nine messages on his personal mobile number 9425111280 regarding the booking of Speed Post articles. On inquiry, it was found that the said articles had been booked from the MBC Counter at the Railway Station Post Office in his name and address. The complainant,



asserting that no such booking was made by him, informed the postal authorities, who on his request recalled the said postal articles. Out of the nine postal items, six were received back at his residence on 07.04.2022 through Speed Post. Upon opening one of the envelopes, the complainant allegedly found a typed complaint addressed to the Transport Minister and the Transport Commissioner, showing his name and mobile number as the sender but containing no signature. Based on this, he alleged that some unknown persons, with intent to defame him and harm his reputation, had sent forged letters in his name. On his complaint, an FIR was registered under Sections 465 and 469 of the Indian Penal Code.

It is further submitted that during the course of investigation, it was found from CCTV footage that the postal articles were dispatched by one Ajay Salunke, who is employed as a private driver by the present applicant. On the basis of this, the said driver was arrested. It was further alleged that the mobile location of the applicant was found near the post office at the relevant time. Solely relying upon this alleged mobile location, and without any direct or corroborative evidence, the investigating agency has chosen to implicate the applicant in the present case.

It is further submitted that once there is no evidence available against the applicant, and the only material collected by the investigating agency to implicate him is the location of his mobile number, such evidence cannot be treated as sufficient or legally sustainable to prosecute the applicant in connection with an alleged act of forgery. The reliance on mobile location alone, without any proof of presence or participation, is a weak and



inconclusive piece of evidence. It cannot form the foundation of criminal prosecution, much less in a case involving allegations of forgery and defamation.

It is further submitted that it is an admitted position that the applicant is a Class-II Gazetted Officer, having an unblemished service record and a respectable standing in society. The false implication of the applicant in such a case has caused serious harm to his hard-earned reputation and professional integrity. The prosecution of the applicant on the basis of such flimsy and speculative material amounts to a gross abuse of process.

It is further submitted that the investigation itself reveals that the postal articles in question were dispatched by the driver of the applicant, who has consistently maintained that the articles were handed over to him by Gurusharan Singh Ahluwalia, another journalist known to him. The driver, believing the said postal packets to be genuine, dispatched them in good faith. Even assuming the driver's role at face value, there is no element of criminal intent or *mens rea* on his part, and certainly none on the part of the applicant. The mere act of dispatching postal articles, without knowledge of their contents or the intention behind them, cannot by any stretch of imagination constitute an offence under Sections 465 or 469 of the IPC. It is pertinent to mention that the applicant has already filed a case of defamation against the complainant and the present proceedings have been engineered only thereafter as an act of vendetta. Such conduct is contrary to the law laid down by the Hon'ble Supreme Court of India in *Mahmood Ali v. State of U.P.*, reported in (2008) 5 SCC 340, wherein it has been categorically held



that the criminal process cannot be permitted to be used as a weapon of harassment or to settle personal scores. The initiation and continuation of criminal proceedings on the basis of false and vexatious allegations is impermissible in law and amounts to a clear abuse of the process of the court.

It is further submitted that the ingredients of Sections 465 and 469 IPC are wholly absent in the present case, as there is no material to show that the applicant either prepared, forged, or knowingly used any document with intent to cause harm or defame the complainant. The fundamental requirement of a forged document and intentional act of defamation are completely missing. The entire prosecution case, even if taken at its face value, fails to disclose any offence against the applicant. In view of the aforesaid, it is apparent that the complainant has made a false and malicious complaint against the applicant, as a counterblast to the defamation proceedings already initiated by the applicant against him. The present FIR, therefore, is nothing but a retaliatory measure aimed at harassing and humiliating the petitioner for exercising his legal rights.

While placing reliance on the judgment of the Apex Court in the matter of Sathish Mehra vs. State of N.C.T. of Delhi and Another reported in AIR 2013 (SC) 506, it was submitted that the High Court has inherent power to interdict criminal proceedings at any stage whether at the threshold or after framing of charge if, even accepting all allegations on their face, no offence is made out and such power, though extraordinary, is to be exercised sparingly to prevent abuse of the process of law and to secure the ends of



justice.

Further, while placing reliance on the judgment of the Apex Court in the matter of Sheila Sebastian v. Jawaharaj & Another reported in AIR 2018 (SC) 2434, it was submitted that it is essential to examine the definition of “forgery” and the judicial precedents governing this aspect. As per Section 463 of the Indian Penal Code, forgery is committed when a person makes any false document or false electronic record, or any part thereof, with the intent to cause damage or injury to the public or any person, to support any claim or title, to induce a person to part with property, to enter into a contract, or with the intent to commit fraud or that fraud may be committed.

In support of his submissions, reliance was placed on the judgments of the Apex Court in the matters of Suresh Budharmal Kalani alias Pappu Kalani v. State of Maharashtra reported in 1998 (SC) (Cri.) 1625; State of Haryana & Others vs. Ch. Bhajan Lal & Others reported in AIR 1992 SC 604; Ramesh Dutt & Others vs. State of Punjab & Others reported in 2009 (15) SCC 429; Sarabjit Singh vs. State of Punjab & Others reported in 2013 (6) SCC 800; Ravikant Dubey & Others v. State of M.P. & Another reported in (2014) 2 JLJ 25; Anjani Kumar vs. State of Bihar & Another reported in (2008) 5 SCC 248 and Guru Bipin Singh v. Chongtham Manihar Singh & Another reported in AIR 1997 SC 1448.

In light of the above facts and circumstances, it is most respectfully submitted that the impugned FIR and the consequential proceedings deserve to be quashed in exercise of the inherent powers of this Hon’ble Court under Section 482 of the Code of Criminal Procedure, in order to prevent abuse of



the process of law and to secure the ends of justice.

*Per contra*, Shri BPS Chauhan, learned Public Prosecutor for the the State as well as Shri Rakesh Kumar Sharma - learned Senior Advocate alongwith Shri V.K. Agarwal and Shri Rahul Jha - Advocate for the respondent No.2/complainant had vehemently opposed the prayer made by the applicant seeking quashment of the FIR and consequential proceedings by submitting that the allegations levelled in the complaint, coupled with the material collected during investigation, *prima facie* disclose the commission of cognizable offences punishable under Sections 465 and 469 of the Indian Penal Code. The investigation has revealed that the forged postal articles were booked and dispatched through the driver of the present applicant, namely, Ajay Salunke, who in his statement has categorically admitted to having posted the articles in question. The CCTV footage obtained from the concerned post office corroborates this fact beyond any doubt.

It is further submitted that the applicant's mobile location was found in close proximity to the place of occurrence at the relevant time when the forged articles were booked and the explanation offered by the applicant that the said mobile phone was kept in his vehicle to monitor the movement of his driver is an afterthought and a matter of defence, which cannot be accepted or adjudicated at this stage without a full-fledged trial. The proximity of the applicant's location to the scene of occurrence is a significant circumstance which, when read in conjunction with the role of his driver, clearly indicates his active involvement and knowledge of the incident.



It is further submitted that the allegations against the applicant cannot be brushed aside merely on the ground that he is a government officer or the material presently available is circumstantial in nature. At the stage of investigation or cognizance, the Court is not required to meticulously weigh the sufficiency of evidence. It is sufficient if the FIR and the accompanying material disclose the commission of a cognizable offence. The veracity or otherwise of the applicant's defence can only be determined during trial upon appreciation of evidence.

It is also submitted that the FIR contains specific allegations of forgery and impersonation, wherein forged complaints purporting to be from the complainant and containing his name, address, and mobile number were deliberately sent to senior government authorities with intention to malign his image and reputation as a journalist. The nature and contents of the forged documents clearly attract the ingredients of Sections 465 and 469 IPC and the act of impersonation and deliberate use of false identity to defame a person squarely fall within the ambit of these provisions.

It is further submitted that the investigation is still underway, and quashing the proceedings at this nascent stage would amount to stifling a legitimate investigation into a serious offence involving forgery and defamation. The Apex Court in the matter of *State of Haryana v. Bhajan Lal* (supra), has clearly held that the inherent powers under Section 482 CrPC should be exercised sparingly and only where the allegations do not disclose any offence on the face of it and in the present case, the materials collected by the investigating agency, including CCTV footage, statements of



witnesses, and digital evidence, *prima facie* establish the complicity of the applicant. Therefore, the present case does not fall under any of the exceptional categories warranting interference under Section 482 CrPC.

The learned counsel for the State and the complainant have also relied upon a catena of judgments of the Hon'ble Supreme Court reiterating the settled legal position that while exercising inherent powers under Section 482 CrPC, the High Court should not evaluate the correctness or sufficiency of evidence, nor undertake a mini trial at the pre-trial stage. Reference is made to the following decisions:

(i) *Rishipal Singh v. State of U.P.*, AIR 2014 SC 2567 – wherein it was held that the High Court cannot appreciate evidence or enter into disputed questions of fact while considering a petition for quashing an FIR.

(ii) *Tilly Gifford v. Michael Floyd & Another*, (2018) 11 SCC 205 – the Hon'ble Court emphasized that inherent powers are to be used sparingly and only to prevent manifest injustice or abuse of process, not to short-circuit criminal prosecution.

(iii) *Dineshbhai Chandubhai Patel v. State of Gujarat & Others*, 2018 AIR (SC) 314 – it was held that while considering a petition under Section 482, the Court must proceed on the assumption that the allegations in the complaint are true, and at that stage, it is impermissible to scrutinize the correctness of the same.

(iv) *Central Bureau of Investigation v. Arvind Khanna*, (2019) 10 SCC 686 – the Apex Court cautioned that quashing proceedings at the threshold on the ground of insufficiency of evidence amounts to usurping the



jurisdiction of the trial court.

(v) Devendra Prasad Singh v. State of Bihar & Others, AIR 2019 SC 1671 – it was held that the High Court should not interfere at the stage of cognizance merely because the accused disputes the allegations; the correctness of such allegations can be determined only during trial.

(vi) Md. Allauddin Khan v. State of Bihar & Others, AIR 2019 SC 1910 – the Hon'ble Court reiterated that at the stage of quashing, the allegations in the FIR and charge-sheet are to be taken at their face value without embarking upon a detailed examination of the merits.

(vii) Chilakamarthi Venkateswarlu & Another v. State of Andhra Pradesh & Another, AIR 2019 SC 3913 – it was held that when the FIR discloses prima facie ingredients of the offence, the Court should refrain from quashing proceedings and permit the investigation to reach its logical conclusion.

It is therefore submitted that the reliance placed by the applicant on selective portions of the investigation and on the plea of false implication are issues of fact, requiring evidence and cross-examination, which cannot be adjudicated in proceedings under Section 482 CrPC. The mere existence of a counter-defamation case filed by the applicant does not *ipso facto* render the present prosecution *mala fide*, particularly when independent material corroborates the complainant's version.

In view of the above judicial pronouncements and the material on record, it is submitted that the present case discloses a *prima facie* offence, and the investigation has been conducted in a fair and impartial manner. The



grounds urged by the applicant pertain to disputed questions of fact, which cannot be gone into at this stage. Hence, the prayer for quashment deserves to be rejected. Accordingly, it is prayed that the present application under Section 482 CrPC, being devoid of merit and contrary to the settled principles of law be dismissed.

### **DISCUSSION AND CONCLUSION**

Heard counsel for the parties and perused the record.

After hearing learned counsel for the parties and perusing the record, this Court proceeds to consider whether the present case warrants exercise of inherent powers under Section 482 of the Code of Criminal Procedure for quashing of FIR bearing Crime No.24 of 2022 registered at Cyber Branch, District Gwalior for the offences punishable under Sections 465 and 469 of the Indian Penal Code and the consequential proceedings arising therefrom.

It is well settled that the inherent jurisdiction of this Court under Section 482 CrPC is of an extraordinary nature and is to be exercised sparingly and with great caution, only where the complaint or FIR, even if taken at its face value and accepted in its entirety, does not disclose the commission of any offence or where the criminal proceedings manifestly amount to an abuse of process of law.

The Apex Court in the matter of State of Haryana v. Bhajan Lal (supra) has laid down the categories in which interference may be justified. However, the Court simultaneously cautioned that the inherent powers cannot be invoked to embark upon an inquiry into the truth or otherwise of the allegations or to appreciate evidence at the pre-trial stage.



In the present case, the allegations in the FIR, read with the material collected during investigation, *prima facie* disclose the commission of offences under Sections 465 and 469 IPC. The record reveals that nine postal articles were booked in the name of the complainant and were found to contain typed complaints purporting to be from him, thereby constituting false and misleading documents. CCTV footage of the relevant post office establishes that the said articles were booked by one Ajay Salunke, who is employed as the private driver of the applicant. The mobile location of the applicant was found in close proximity to the post office at the relevant time. Though the applicant has sought to explain the said location on the plea that the mobile phone was kept in his vehicle to monitor the driver's movement, such an explanation is essentially a matter of defence which can only be tested during trial and not at this stage.

The statement of witness Sanjay Verma at this stage also assumes importance. In his statements, he has stated that he is currently operating the Chambal Times News and has previously worked with media organizations including Prime TV, Prayas News, and Ratanagar Times. Being a regular visitor to the RTO office in Gwalior for news coverage, he is familiar with its officers and staff. He reported that on 04.04.2022, at around 8:30 PM, near a tea stall close to the RMS office, he observed a four-wheeler vehicle arrive. Ajay Salunke, the driver, alighted and entered the RMS office carrying yellow envelopes handed to him by Satya Prakash Sharma (present applicant), who remained seated in the vehicle. After some time, Ajay Salunke returned carrying receipts and handed them to Satya Prakash



Sharma (present applicant) before both left the premises. He further stated that his colleague, journalist Dharmveer Kushwah, informed him that Satya Prakash Sharma (present applicant) had written the names and mobile numbers of nine individuals on the envelopes and had them sent via speed post through his personal driver from the RMS office. This clearly implicates Satya Prakash Sharma (present applicant), in the preparation and dispatch of false complaints. These actions directly implicate Satya Prakash Sharma in preparing and dispatching false complaints.

The totality of circumstances, namely, the role of the driver, the proximity of the applicant's location, and the nature of the forged documents create a *prima facie* nexus sufficient to justify continuation of investigation and prosecution.

Learned counsel for the applicant placed heavy reliance on various decisions of the Apex Court including Mahmood Ali v. State of U.P. (supra); Sathish Mehra v. State (supra), and Sheila Sebastian v. Jawaharaj (supra), as well as other authorities, to contend that the FIR and proceedings are liable to be quashed.

However, the reliance placed upon these authorities is misconceived and distinguishable on facts as under:

In Mahmood Ali v. State of U.P. (supra), the Apex Court intervened where the complaint was found to be manifestly *mala fide* and devoid of any factual foundation. In contrast, in the present case, the FIR is supported by contemporaneous evidence including postal records, CCTV footage, and statements of witnesses, which disclose a *prima facie* offence. Therefore, the



ratio of Mahmood Ali (*supra*) does not apply.

In Sathish Mehra v. State (*supra*), the Court observed that the High Court may exercise its powers under Section 482 when even accepting all allegations to be true, no offence is made out. In the present case, accepting the allegations at their face value clearly discloses the ingredients of forgery and forgery for the purpose of defamation; hence, the said judgment affords no relief.

In Sheila Sebastian v. Jawaharaj (*supra*), the Apex Court held that a person who is not the maker of a forged document cannot be prosecuted for forgery. The said principle is inapplicable at this stage, as the investigation here is still ongoing and has revealed active participation of the applicant through his driver in the creation and dispatch of forged complaints. Whether the applicant is the “maker” of the forged document is a matter of evidence, not a question that can be determined in proceedings under Section 482.

Similarly, the decisions in Suresh Budharmal Kalani v. State of Maharashtra (*supra*), Ramesh Dutt v. State of Punjab (*supra*), and Anjani Kumar v. State of Bihar (*supra*), relied upon by the applicant, were rendered in circumstances where the allegations were inherently improbable or based on no material evidence. The present case, however, stands on a distinct footing with tangible material indicating involvement of the applicant.

Thus, the precedents cited by the applicant relate to situations where the allegations were patently absurd or *mala fide* on the face of the record. No such infirmity is shown here.

On the other hand, the judgments relied upon by the learned counsel



for the State and complainant correctly reflect the settled legal position that at the stage of quashing, the Court cannot examine the sufficiency of material or the probative value of evidence. The decisions in *Rishipal Singh v. State of U.P.* (supra), *Dineshbhai Chandubhai Patel v. State of Gujarat* (supra), *CBI v. Arvind Khanna* (supra), *Devendra Prasad Singh v. State of Bihar* (supra), and *Md. Allauddin Khan v. State of Bihar* (supra) reiterate that the High Court should not conduct a mini-trial under Section 482 CrPC or quash proceedings on disputed factual grounds.

These authorities are squarely applicable to the present case, where the applicant seeks appreciation of factual matters such as the interpretation of CCTV footage, the explanation for his mobile location, and the credibility of witness statements all of which can only be tested through evidence during trial.

Upon careful scrutiny of the FIR and accompanying material, this Court is satisfied that the allegations, taken at their face value, disclose a *prima facie* commission of cognizable offences. The investigation appears to have been conducted in accordance with law, and there is nothing to suggest that it was actuated by *mala fides* or ulterior motives. The plea of vendetta or counterblast is speculative and unsupported by any cogent material.

The present case does not fall within any of the categories enumerated in *Bhajan Lal* (supra) so as to justify interference under Section 482 CrPC. Quashing the FIR at this stage would amount to prematurely terminating a lawful investigation and stifling the legitimate prosecution of a cognizable offence.



For the reasons stated above, this Court finds no ground to invoke its inherent jurisdiction under Section 482 of the Code of Criminal Procedure. The allegations contained in the FIR and the material gathered during investigation disclose a *prima facie* case under Sections 465 and 469 IPC against the applicant. The disputed questions raised by the applicant pertain to matters of evidence which can be appropriately adjudicated during trial.

Accordingly, the Miscellaneous Criminal Case filed by the applicant under Section 482 CrPC stands dismissed. It is, however, clarified that any observations made herein are confined to the consideration of the present application under Section 482 CrPC and shall not prejudice the rights of either party during trial. The trial court shall proceed independently in accordance with law.

(MILIND RAMESH PHADKE)  
JUDGE

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