

dated 8th January, 2024 passed by the High Court of Himachal Pradesh at Shimla² in Cr. MMO No. 50 of 2023 whereby the learned Single Judge of the High Court allowed the petition filed by the respondents-accused under Section 482 of Code of Criminal Procedure, 1973³ and quashed the proceedings of FIR No. 8/22 dated 26th August, 2022 lodged by the appellant-complainant at Police Station State CID, Shimla for the offences punishable under Sections 420, 465, 467, 468, 471 and 120-B of the Indian Penal Code, 1860⁴.

4. It was *inter alia* alleged in the FIR that the respondents-accused herein, namely, Baldev Thakur, Daljit Singh and Jienpuri Kamsuon, entered into a criminal conspiracy to grab the property and other articles of the appellant-complainant's father, Dr. G.B. Bazliel, by way of extortion, cheating, forging documents, fabricating false evidence, fraud and committing theft. The appellant-complainant alleged in the FIR that she is the adopted daughter and legal heir of Dr. G.R. Bazliel. Her family owned ancestral

² Hereinafter referred to as 'High Court'

³ For short 'CrPC'.

⁴ For short 'IPC'

property admeasuring 51.2 bighas in Village Katli, Patwar Circle Dhagog, Mashobra, District Shimla, H.P. The said agricultural land belonged to her grandfather, Dr. I.R. Bazliel, and passed on to her father after the death of her grandfather in the year 1986. She has been in possession of the property since 1980. Her mother passed away in the year 2013, pursuant to which her father developed severe depression associated with other health issues. The appellant-complainant stated that she had been taking care of her father until the year 2016.

5. Around that period, respondent No. 2-Daljit Singh (who had a criminal background), introduced her father to a woman named Jienpuri Kamsuon (respondent No. 3). The appellant-complainant strongly objected to her father's relationship with respondent No. 3 Jienpuri Kamsuon considering his age and health condition. However, the respondents-accused did not desist and, taking advantage of her father's weak mental and physical disposition, influenced him to sever all ties with the family, thereby rendering him completely isolated and vulnerable. By practising such fraudulent inducement, her father was persuaded to appoint

respondent No. 2-Daljit Singh as a nominee in his bank accounts and, in this manner, the entire family property was transferred to respondent No. 1- Baldev Thakur.

6. The appellant-complainant was residing at Delhi in connection with her employment. Upon coming to know about the illegal design of the respondents-accused to grab the ancestral properties, she called her father on phone and objected to the transfers. She told her father that if he was insisting upon the sale of the properties, at least her own share and the share of her aunts should first be set apart, and only thereafter should the property be sold by following the due legal process. She alleged that on 9th March, 2017, a sum of Rs. 93 lakhs was transferred from her father's UCO Bank account to the bank account of respondent No. 2-Daljit Singh. The major part of this amount, i.e., nearly Rs. 65 lakhs, comprised the savings of the appellant-complainant's late mother (Dr. Yvonne Bazliel), which had been credited to her father's bank account on 21st March, 2013 soon after her mother's death by encashing a fixed deposit. Another transfer of Rs. 25 lakhs was made on 9th March, 2017, from

her father's UCO Bank account to the account of respondent No. 2-Daljit Singh. In this manner, a total sum of Rs. 1.18 crores was transferred from her father's bank accounts to respondent No. 2-Daljit Singh without being supported by any lawful transaction or dealing between him and the appellant-complainant's father so as to justify such huge money transfers.

7. It was further alleged that the respondents-accused conspired together to manage the sale of the family land admeasuring 49 *bighas* and 17 *biswas* in favour of respondent No. 1-Baldev Thakur by way of a registered Sale Deed No. 366/2017 for a purported sale consideration of Rs. 3.90 crores. For effecting this sale, the property was shown to be the self-acquired property of her father, contrary to the factual position as reflected in the revenue records. The sale was made at a throwaway price, far below the basic land rate, and by recording a totally false recital that her father had obtained NOC from all family members and legal heirs. It was specifically alleged that NOC had never been given by any family member consenting to the sale of the family land.

8. She came to know about the death of her father through social media. It was alleged by the appellant-complainant that her father died under mysterious circumstances in Hotel Twin Towers at Kufri, Shimla owned by respondent No. 1-Baldev Thakur. She tried to contact respondent No. 3-Jienpuri Kamsuon to find out the details but to no avail. After the death of her father, respondent No. 1-Baldev Thakur took possession of the family land and the house. She could not even retrieve her personal belongings, important documents and jewellery. On 4th March, 2022, respondent No. 2-Daljit Singh approached UCO Bank claiming to be the nominee of her father and closed his savings account and got transferred an amount of Rs 5,74,526/- (Rupees five lakh seventy-four thousand five hundred and twenty-six) into his own account. She checked her father's bank accounts and was shocked to find that not a single Rupee towards consideration for the two sale deeds of 2017 and 2019 had been credited to any of the bank accounts operated by her father. She suspected that these transfers had been fraudulently staged by the accused persons acting in conspiracy with the intention to grab the entire property, both movable as

well as immovable, of her father and those owned by the family. Respondent No. 2 – Daljit Singh fraudulently managed to transfer the money amounting to Rs.1,23,74,526/-, to which the appellant-complainant's family was entitled, into his account at UCO Bank, Vidhan Sabha. Her father's two firearms also went missing after his death.

9. Based on the aforesaid allegations, FIR No. 8 of 2022 dated 26th August, 2022 came to be registered at Police Station State CID, Shimla for offences punishable under Sections 420, 465, 467, 468, 471 and 120-B IPC and investigation was commenced.

10. The respondents-accused nominated in the FIR filed the subject petition under Section 482 of CrPC seeking quashing of the aforesaid FIR. In the course of hearing of the quashing petition, the Investigating Officer filed a status report dated 3rd July, 2023 specifically mentioning that there was a grave discrepancy between the rates at which the lands were purchased and the circle rates prevailing at the relevant time. The rates portrayed in the sale deeds were far lower than the prevailing circle rates for the area in question. The said discrepancy was flagged to highlight the element of fraud practiced by

respondent No. 1-Baldev Thakur and others in preparing the sale documents, particularly, the documents relating to circle rates of the land. The Investigating Officer forwarded the questioned documents to the State Forensic Science Laboratory⁵, Junga, Himachal Pradesh for forensic document examination on 27th February, 2023.

11. The SFSL reports dated 27th June, 2024 and 31st August, 2024 have been placed on record along with the reply filed by the State in Criminal Appeal @ SLP(Cr1.) No. 3533 of 2024, as per which the documents nominating respondent No. 2-Daljit Singh as the nominee of the appellant-complainant's father and the document relating to the closure of the bank account of the appellant-complainant's mother were found to be bearing forged signatures. The report specifically states that the admitted specimen/signatures of the appellant-complainant's father do not match the questioned signatures. The investigation further disclosed a marked discrepancy between the land rates mentioned in the sale deeds and the circle rates notified by the Government,

⁵ Hereinafter, referred to as the 'SFSL'.

thereby establishing fraud in the circle-rate documents used for registration of the sale deeds. It was consequently found that respondent No. 1- Baldev Thakur, by undervaluing the property on the basis of false circle-rate documents, paid only Rs. 32,04,000 towards stamp duty and registration charges instead of the legally payable stamp duty @ Rs. 67,91,241, thereby causing a loss of Rs. 35,87,242 to the Government exchequer. In view of the SFSL reports dated 26th June, 2024 and 31st August, 2024 and the material collected during investigation in FIR No. 8/2022, the investigating agency concluded that respondent Nos. 1 to 3 (Baldev Thakur, Daljit Singh and Jienpuri Kamsuon) had committed offences of forgery and cheating by forging the signatures of the appellant-complainant's father and fraudulently projecting themselves as his nominees. In this manner, they misappropriated the monies from the bank accounts of the appellant-complainant's father. As stated above, the criminal petitions filed by the respondents-accused under Section 482 CrPC stand allowed by the order dated 8th January, 2024 passed by the High court in Cr.MMO No. 50 of 2023 whereby the FIR was quashed.

12. Being aggrieved, the appellant-complainant as well as the State of Himachal Pradesh are before us by way of these appeals with special leave.

13. We have heard and considered the submissions advanced by learned counsel for the parties and have carefully gone through the impugned order as well as the reply filed by the State.

14. On a perusal of the impugned order, we find that the High Court interfered in exercise of its inherent powers and quashed the FIR at the very threshold when investigation was in full swing and vital material was yet to be collected.

15. The High Court recorded that the necessary ingredients of fraud, misrepresentation or forgery were not made out from the allegations set out in the FIR. The High Court also held that the FIR had been lodged on the basis of speculations and that such allegations were not sufficient to constitute cognizable offences. With these findings, the High Court proceeded to quash the entire proceedings of the FIR.

16. We may observe that where allegations of forgery are set out in the FIR and Investigating Agency has undertaken the exercise of getting the

disputed documents examined through the handwriting expert, an order quashing the FIR without awaiting the outcome of the handwriting expert's report would be totally unjustified.

17. While deciding the quashing petitions, the learned Single Judge took note of the fact that the relevant documents had been taken into possession and had been sent to the SFSL for analysis. However, this vital aspect of the matter was completely glossed over by the learned Single Judge while quashing the FIR. Once the Court was apprised that investigation into the genuineness of the signatures on the disputed/questioned documents was being undertaken and the signatures were in the process of being analysed by the SFSL, there was no reason whatsoever for the High Court to have proceeded to quash the FIR by exercising jurisdiction under Section 482 CrPC.

18. Resultantly, we are of the firm opinion that the High Court prematurely quashed and terminated the proceedings arising out of the FIR filed by the appellant-complainant despite clear allegations establishing the offences of fraud, falsification of documents, forgery and criminal breach of trust. So

far as the observation made by the High Court that the appellant had earlier filed FIR against her own father is concerned, it may be noted that the said FIR was in relation to an entirely different allegation, namely that her father had attempted to usurp the property of her grandfather by fabricating his signatures.

19. The High Court relied on this Court's decision in *Mir Nagvi Askari v. CBI*,⁶ and observed that the prosecution is required to prove that the accused had forged the document by creating a false document.

20. We feel that the reliance placed by the High Court on the aforesaid judgment to quash the FIR, despite taking note of the fact that the Investigating Agency had sought the report of the handwriting expert, was wholly unjustified. The questioned documents having already been forwarded for examination, the proof of forgery would evidently depend upon the outcome of the comparison to be conducted by the handwriting expert. Thus, the aspects relating to the creation of false documents and the commission of forgery were still under

⁶ (2009) 15 SCC 643.

investigation when the High Court prematurely proceeded to quash the FIR.

21. As a matter of fact, as per the specific averments made in the Criminal Appeal @ SLP (CrI.) No. 2498 of 2025, filed on behalf of the State of Himachal Pradesh, the SFSL report has been received which concludes that the signatures on the questioned documents are facsimile stamps i.e., not the handwritten signatures of the father of respondent No. 4 (appellant-complainant). Apparently, thus the investigation has resulted into credible evidence establishing that the documents on the strength whereof the properties were transferred in favour of the accused bore forged signatures of the appellant-complainant's father, namely, Dr. G.B. Bazliel.

22. We further find that the judgment in *Mir Nagvi Askari (supra)*, relied upon by the High Court, was neither relevant nor applicable to the facts of the present case. Since the report of the handwriting expert had not yet been received, it was premature to record any finding on falsification of documents and forgery. In such circumstances, the prosecution of the accused persons could not have been stifled at the threshold by the exercise of powers under

Sections 482 CrPC or Article 226 of the Constitution of India.

23. A specific allegation was made by the appellant-complainant that deposits of her father's and mother's bank accounts were usurped by the accused by fraudulently posing as nominees. These allegations, *prima facie*, constitute the offence of fraud and criminal misappropriation. Hence, we are of the firm opinion that the allegations as set out in the FIR and the material collected by the Investigating Officer is amply sufficient to proceed against the accused, and it was not a case warranting the exercise of inherent powers of the High Court to quash the FIR.

24. As a consequence, we find it difficult to sustain the impugned judgment and final order dated 8th January, 2024, which is accordingly set aside.

25. The Investigating Officer is directed to conclude the investigation and file the result thereof (if already not filed) before the Court concerned at the earliest. In case the report under Section 173(2) CrPC (corresponding to Section 193(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023) has already been

filed, then the trial Court shall proceed with the matter as per law.

26. However, we make it clear that the observations made hereinabove are restricted only to the decision of the present appeal(s) and shall have no bearing on the rights and defences available to the parties at the appropriate stage of the case.

27. The appeals are allowed in these terms.

28. Pending application(s), if any, shall stand disposed of.

.....**J.**
(VIKRAM NATH)

.....**J.**
(SANDEEP MEHTA)

NEW DELHI;
MARCH 17, 2026.