



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Misc(Pet.) No. 6915/2022

1. Lalit Kumar Duggar S/o Sh. Shubhkaran Duggar, Aged About 55 Years, 1-E-17, Old Housing Board, Shastri Nagar, Bhilwara, Raj.
2. Gograj Anchaliya S/o Sh. Fushraj Anchaliya, Aged About 77 Years, Kawa Khera Main Road, Shastri Nagar, Bhilwara, Raj.

----Petitioners

Versus

1. State Of Rajasthan, Through Pp
2. Tej Karan Jain S/o Sh. Beg Raj Jain, Aged About 18 Years, 1-H-6, Shastri Nagar, Bhilwara, Raj.

----Respondents

Connected With

S.B. Criminal Misc(Pet.) No. 1475/2022

1. Tej Karan Jain S/o Begraaj Jain, Aged About 64 Years, 1-H-6, Shastri Nagar, Kotwali Bhilwara, Bhilwara, Rajasthan.
2. Prasanlata Sethiya W/o Guljari Lal Sethiya, Aged About 61 Years, 1-H-6, Shastri Nagar, Kotwali Bhilwara, Bhilwara, Rajasthan.

----Petitioners

Versus

1. State Of Rajasthan, Through Pp
2. Gograj Aachliya S/o Fushraj Aachliya, Shastri Nagar, Kotwali Bhilwara, Bhilwara, Rajasthan.

----Respondents

For Petitioner(s) : Mr. Naman Mohnot
Mr. O.P. Mehta through VC
For Respondent(s) : Mr. Vikram Singh Rajpurohit, Dy.G.A.
Mr. Ravindra Singh Bhati, AGA

HON'BLE MR. JUSTICE FARJAND ALI

Order

Order Reserved On : 25/02/2025
Order Pronounced On : 22 /05/2025



1. The instant misc. petition under Section 482 Cr.P.C. have been preferred by the petitioners for quashing of the FIR No. 332/2022 PS Kotwali, District Bhilwara, Rajasthan for the offence under Sections 420, 467, 468, 471 and 120-B of the IPC and FIR No. 384/2021 PS Kotwali, District Bhilwara, Rajasthan for the offence under Sections 406, 420 and 120-B of the IPC.

2. In the present case, two FIRs have been lodged at the police station Kotwali, District Bhilwara, Rajasthan, which form the subject matter of these petitions. An FIR No. 384/2021 was lodged at the instance of Gograj Anchaliya against Tejkarani Jain, alleging offences of cheating and criminal breach of trust in connection with a land transaction. Subsequently, FIR No. 332/2022 was lodged at the instance of Tejkarani Anchaliya against the petitioners, namely Gograj Anchaliya and Lalit Duggad, alleging offences of cheating, forgery, and criminal conspiracy. It is evident that both parties are accusing each other of cheating.

3. Shri Naman Mohnot appears on behalf of the petitioners in S.B. Criminal Misc. Petition No. 6915/2022, one of whom is also a respondent in S.B. Criminal Misc. Petition No. 1475/2022 and Shri O.P. Mehta appears on behalf of Tejkarani, who is the petitioner in S.B. Criminal Misc. Petition No. 1475/2022 and the respondent in S.B. Criminal Misc. Petition No. 6915/2022.

Facts of FIR No. 384/2021

4. The brief facts of the case are that the FIR was lodged by the complainant accusing the petitioners of cheating in a land



transaction. It is stated that petitioner No. 1 agreed to sell agricultural land to the complainant for a consideration of ₹24,80,000/- and a sale agreement dated 19.08.2019 was executed wherein ₹2,50,000/- was paid as earnest money. Thereafter, further payments totalling ₹18,60,000/- were allegedly made by the complainant, but the sale deed was not executed. Instead, the land was later sold to a third party, Anil Gelda, through a registered sale deed dated 27.08.2021. The petitioners, however, assert that the transaction was purely civil in nature and arose from non-performance of contractual terms by the buyer, Lalit Duggad, and that only ₹10,60,000/- was received. Hence, the petitioners have approached this Court seeking quashing of the FIR on the ground that the dispute is civil in nature and the criminal proceedings amount to abuse of process of law.

Facts of FIR No. 332/2022

5. Briefly stating the facts of the case are that an FIR was registered at the behest of the complainant, who had initially agreed to sell his land to petitioner No. 1 due to urgent financial need. A sale agreement was executed on 19.08.2019, with an agreed consideration of ₹24,80,000/- and ₹2,50,000/- was paid as advance. It was decided that the balance amount would be paid within 45 days, making time the essence of the contract. The petitioner No. 1, who is related to petitioner No. 2, left the buyer's name blank in the agreement, promising flexibility in transferring the land. Despite subsequent part-payments and an assurance to pay interest on delayed amounts, petitioner No. 1 later refused to



complete the transaction, citing issues with the land. The complainant, after mutual discussion, sold the land to a third party on 27.06.2021. However, petitioner No. 1, in alleged collusion with petitioner No. 2, filed FIR No. 384/2021 claiming false payment of ₹18,60,000/- and asserting that petitioner No. 2 was the actual buyer. The complainant challenged this FIR before this Court vide criminal misc. petition no. 1475/2022, in which this Court granted a stay. In response, the present FIR was lodged alleging forgery and conspiracy. The matter is under investigation, and the petitioners have approached this Court seeking quashing of the FIR, claiming it is baseless, malicious, and lodged to harass them.

6. Heard learned counsel appearing on behalf of the petitioners and learned Public Prosecutor appearing on behalf of the State as well as perused the material available on record.

7. After perusing the material available on record, it is evident that there is a non-compliance with the terms of the agreement which resulted in its termination. In light of this, there appears to be no indication of cheating or forgery on the part of the petitioners, as there are no specific allegations suggesting that there was any fraudulent intent from the inception of the agreement. Furthermore, there are no concrete claims that the petitioners forged any document. The entire transaction, at best, reflects a civil dispute arising from a breach of contract and does not disclose the commission of any criminal offence.

8. Now, moving on to the provisions under which they were charged were criminal breach of trust, cheating, forgery of



valuable security, forgery for purpose of cheating, using a genuine a forged document or electronic record and for criminal conspiracy.

9. To start with the offence of criminal breach of trust. For ready reference, Section 406 of IPC is reproduced herein below:-

Section 406 IPC: Punishment for criminal breach of trust.

Whoever commits criminal breach of trust shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

A perusal of the provision reflects that to establish the offence of criminal breach of trust, certain key elements must be present which includes: (a) fact of entrustment, (b) dishonest intention and (c) misappropriation or conversion of property for one's own use or disposal of the property. In the case of **Abhishek Saxena vs. The State of Uttar Pradesh and Ors., Criminal Appeal No. 3628 of 2023, Decided On: 28.11.2023,** Hon'ble the Supreme Court had stated the ingredients or essentials of Section 406 of the IPC which is Punishment for criminal breach of trust. The essentials to establish the offence under Section 406 of the IPC are as follows-

- i. There should be entrustment of the property or dominion over the property against which the charges are being made.



ii. The person dishonestly misused the property in violation of the duties committed to that person and misappropriating or converting it for his own use.

iii. The person dishonestly using or disposing of the property in violation of any direction of law which prescribes the mode in which such trust is to be discharge.

iv. Lastly, Section 405 IPC's elements must be violated.

It is mentioned that in absence of these basic ingredients of entrustment and dishonest usage or disposal of any property, an offence of Section 406 of the IPC would not attract. In the case at hand, the essential ingredient of Section 406 are missing and therefore, it cannot be said that the offence under Section 406 is made out.

10. As far as the question of invocation of Section 420 of the IPC is concerned, at first it would require to examine the elements which are essential to constitute an offence under Section 420 of the IPC. For ready reference Section 420 of the IPC is reproduced as under: -

420. Cheating and dishonestly inducing delivery of property.—Whoever cheats and thereby dishonestly induces the person deceived to deliver any property to any person, or to make, alter or destroy the whole or any part of a valuable security, or anything which is signed or sealed, and which is capable of being converted into a valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.”



11. It is manifesting from the plain reading of Section 420 of the IPC that it deals with the act of cheating and dishonestly inducing the person so deceived to deliver any property to any person or to make, alter or destroy the whole or any part of a valuable security or anything which is signed or sealed and capable of being converted into a valuable security. A plain reading of the provision is also reflecting that cheating is an essential element of the charge under Section 420 of the IPC. So, it would require to examine the definition of cheating.

12. Section 415 of the IPC defines Cheating. For ready reference Section 415 of the IPC is reproduced as under: -

Section 415 IPC: Cheating

Whoever, by deceiving any person, fraudulently or dishonestly induces the person so deceived to deliver any property to any person, or to consent that any person shall retain any property, or intentionally induces the person so deceived to do or omit to do anything which he would not do or omit if he were not so deceived, and which act or omission causes or is likely to cause damage or harm to that person in body, mind, reputation or property, is said to "cheat".

Explanation.

A dishonest concealment of facts is a deception within the meaning of this section.

13. In the case of, **Inder Mohan Goswami & Another vs. State of Uttaranchal**, reported in **AIR 2008 SC 251**, Hon'ble the Supreme Court observed that to establish the offence under Section 420, there should be some essentials which should be at place. For Section 420 IPC which states cheating and dishonestly inducing delivery of property to be put in motion, the essentials of the offence have to be met and the essentials of "cheating" as



mentioned in Section 415 of the IPC also comes into play as from then and there only Section 420 of the IPC comes out, so here are the essential ingredients of Section 415 and they are as follows-

I. To deceive a person by misleading representation or by making any false representation also includes dishonest concealment or by any other act or by the way of omission of an act,

II. Dishonestly and fraudulently inducing any person and giving him either and or options relating to either deliver the property or else consent to the retention thereof by any person or with the intention of inducing that person to deceive or to omit something he would have not done if not deceived by the other person,

III. This kind of act of omission and act of deceiving is likely to cause the harm and damage to the body, mind and also property of that person.

There are two categories which are mentioned in this Section, firstly an inducement to deliver the property to any person fraudulently or dishonestly and secondly, the acts done or omitted by a person deceived would not have done if not deceived by the other person. The basic difference between these two is about intention. In the first category we see that it is fraudulent and dishonest and in the second category we see it is intentional but need not be fraudulent and dishonest. For cheating it would be must to show that there has been a fraudulent and dishonest intention.



14. In the case of **Md. Ibrahim & Ors. v. State of Bihar & Anr.**, reported in **2010 AIR SCW 405**, Hon'ble the Supreme Court had stated about the essential ingredients to constitute an offence under Section 420 of the IPC and for that purpose, cheating is the main ingredient but not the only one so as to constitute the same offence. Beside presence of cheating as defined under Section 415 these further things should be followed:-

IV. There should be dishonest inducement of a person who is deceived to deliver any property to any person, or

V. Make, alter or destroy the whole or part of any valuable security and also includes anything sealed and signed and also capable of being converted into a valuable security.

15. In the case of **Alpic Finance Ltd. vs. P Sadasivan and Ors.**, reported in **AIR 2001 SC 1226**, Hon'ble the Supreme Court observed that to deceive someone is to basically induce someone to actually believe about a thing which on the prima facie will look true but when looked properly it actually is false and the one who is deceiving also knows that the thing is false and it should also be with a dishonest and fraudulent intention while committing the offence.

16. In the case of **Vijay Kumar Ghai and Ors. vs. The State of West Bengal and Ors.**, reported in **(2022) 7 SCC 124**, Hon'ble the Supreme Court observed in detail every essential



ingredient of Section 406 and Section 420 of the IPC read with Section 405 and Section 415 of the IPC.

17. A guilty intention or "mens rea" is the essential ingredient of the offence of cheating. In **Hari Prasad Chamaria vs. Bishun Kumar Surekha & Ors.**, as reported in **AIR 1974 SC 30**, it was held that unless the complainant shows the dishonest or fraudulent intention at the time complainant parted with money, it would not amount to the offence of cheating under Section 420 of the IPC and will only be a breach of contract.

18. In **Hira Lal Hari Lal Bhagwati v. CBI**, reported in **AIR 2003 SC 2545**, it has been observed that for establishing the offence of cheating, it is required to show that there was fraudulent or dishonest intention of the accused at the time of making the promise or entering into the transaction or making any representation.

19. In the case of **Harmanpreet Singh Ahluwalia and Ors. vs. State of Punjab and Ors.**, reported in **(2009) 7 SCC 712**, it is propounded that from the bare perusal of the provision it is evident that the ingredients and elements of any fraudulent or wrongful or dishonest intention should exist from the very inception of the contract.

20. In the case of **A.M. Mohan vs. The State represented by SHO and Ors.**, reported in **Criminal Appeal No. 1716 of 2024, Decided On: 20.03.2024**, Hon'ble the Supreme Court observed that to attract the provision of Section 420 of the IPC, the FIR must show the ingredients of Section 415 of the IPC. Specifically,



it should demonstrate that a person has deceived someone, fraudulently or dishonestly induced that person to deliver property to any person, and that there was a dishonest intention at the time of making the inducement. The dishonest inducement is sine qua non to attract the provisions of Section 415 and Section 420 of the IPC. If the essentials are lacking in the FIR, then continuation of the criminal proceedings would be an abuse of process of law. In the present matter also the essentials of Section 415 and 420 of the IPC are missing and it cannot be said that there was cheating on the part of the petitioner in the present case.

21. In the case of **State of Uttar Pradesh and Ors. vs. Akhil Sharda and Ors.**, reported in **[2022] 6 SCR 772**, Hon'ble the Supreme Court observed that after considering all the facts and circumstances of the case it does not fall under Section 406 and 420 of the IPC as the essential ingredients of the offences mentioned in the FIR are missing and same are the facts of the present case.

22. In the case of **Anil Mahajan v. Bhor Industries Ltd. and Ors.**, reported in **(2005) 10 SCC 228**, Hon'ble the Supreme Court observed that the substance of the complaint is to be seen and mere use of the expression "cheating" in the complaint is of no consequence except the words like "deceive" and "cheat" are in the complaint filed before the Magistrate and "cheating" in the complaint filed before the police.



23. At the cost of repetition, it is reiterated that one of the essential ingredient of cheating as mentioned in Section 415 of the IPC explains it very clearly that the existence of dishonest and fraudulent intention should be from the initial promise or it should be present from the beginning of the transaction.

24. A perusal of both the provisions revealing that Section 420 of the IPC is a graver form of cheating which includes inducement to the victim for the purpose of delivery of the property. In the present case, the ingredients essential to establish cheating are conspicuously missing.

25. Moving on to the provisions of forgery and for ready reference, Sections 467, 468 and 471 of the IPC are reproduced herein below:-

"467. Forgery of valuable security, will, etc.—Whoever forges a document which purports to be a valuable security or a will, or an authority to adopt a son, or which purports to give authority to any person to make or transfer any valuable security, or to receive the principal, interest or dividends thereon, or to receive or deliver any money, movable property, or valuable security, or any document purporting to be an acquittance or receipt acknowledging the payment of money, or an acquittance or receipt for the delivery of any movable property or valuable security, shall be punished with [imprisonment for life], or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine."

"468. Forgery for purpose of cheating.—Whoever commits forgery, intending that the [document or electronic record forged] shall be used for the purpose of cheating, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine."

"471. Using as genuine a forged document or electronic record.—Whoever fraudulently or dishonestly uses as genuine any [document or electronic record] which



he knows or has reason to believe to be a forged [document or electronic record], shall be punished in the same manner as if he had forged such [document or electronic record].”

The essential ingredients of forgery and using a forged document as genuine are also not satisfied, as there are no specific allegations against the petitioners under these provisions.

26. Lastly, the offence under Section 120-B of the IPC which states the punishment of criminal conspiracy. For ready reference, Section 120-B is reproduced herein below:-

“120B. Punishment of criminal conspiracy.—(1)

Whoever is a party to a criminal conspiracy to commit an offence punishable with death, [imprisonment for life] or rigorous imprisonment for a term of two years or upwards, shall, where no express provision is made in this Code for the punishment of such a conspiracy, be punished in the same manner as if he had abetted such offence.

(2) Whoever is a party to a criminal conspiracy other than a criminal conspiracy to commit an offence punishable as aforesaid shall be punished with imprisonment of either description for a term not exceeding six months, or with fine or with both.]”

To establish a charge of criminal conspiracy, there must be a meeting of minds and an agreement to commit an unlawful act, supported by some material evidence. Mere assumptions or conjectures, without any substantive proof, cannot sustain a charge under this section.

A bare reading of the aforementioned provisions reflects that the petitioners have not committed any of the offences alleged, as there are no direct accusations made against them. In the absence of any concrete and credible evidence, it is unjust and



impermissible to prosecute a person merely on the basis of bald allegations.

27. In a precedent-setting judgment passed by Hon'ble the Supreme Court in the case of **Rikhab Birani and Ors. Vs. State of Uttar Pradesh and Ors.** [Criminal Appeal No. 2061 of 2025 (Arising out of SLP (Crl.) No. 8592 of 2024)] decided on 16.04.2025 addressed the issue of whether a civil dispute over a failed property sale agreement constituted a criminal offense and the court emphasized on the distinction between civil breaches and criminal offenses, noting that the ingredients for cheating under Section 420 of the IPC were not met, as there was no fraudulent intent at the contract's inception. The court further quashed the FIR and related proceedings, imposed costs on the State of Uttar Pradesh for misusing criminal proceedings for civil matters, and clarified that the decision did not affect the civil rights of the parties involved. For ready reference, the relevant paragraphs of the judgment are reproduced herein below:-

"14. We are constrained to pass this detailed speaking order, as it is noticed that, notwithstanding the law clearly laid down by this Court on the difference between a breach of contract and the criminal offence of cheating, we are continuously flooded with cases where the police register an FIR, conduct investigation and even file chargesheet(s) in undeserving cases.

15. During the last couple of months, a number of judgments/orders have been pronounced by this Court, especially in cases arising from the State of Uttar Pradesh, deprecating the stance of the police as well as the courts in failing to distinguish between a civil wrong in the form of a breach of contract, non-payment of money or disregard to and violation of contractual terms; and a criminal offence Under Sections 420 and 406 of the Indian Penal Code, the ingredients of which are quite different and requires mens



rea at the time when the contract is entered into itself to not abide by the terms thereof.

16. In **Lalit Chaturvedi and Ors. v. State of Uttar Pradesh and Anr.**, this Court quoted an earlier decision in **Mohammed Ibrahim and Ors. v. State of Bihar and Anr., (2009) 8 SCC 751** wherein, referring to Section 420 of the Indian Penal Code, it was observed that the offence under the said Section requires the following ingredients to be satisfied:

18. Let us now examine whether the ingredients of an offence of cheating are made out. The essential ingredients of the offence of "cheating" are as follows:

- (i) deception of a person either by making a false or misleading representation or by dishonest concealment or by any other act or omission;
- (ii) fraudulent or dishonest inducement of that person to either deliver any property or to consent to the retention thereof by any person or to intentionally induce that person so deceived to do or omit to do anything which he would not do or omit if he were not so deceived; and
- (iii) such act or omission causing or is likely to cause damage or harm to that person in body, mind, reputation or property.

17. Reference was also made to the decision in **V.Y. Jose and Anr. v. State of Gujarat and Anr. (2009) 3 SCC 78** and it was observed:

7. Similar elucidation by this Court in "V.Y. Jose v. State of Gujarat", explicitly states that a contractual dispute or breach of contract per se should not lead to initiation of a criminal proceeding. The ingredient of 'cheating', as defined Under Section 415 of the Indian Penal Code, is existence of a fraudulent or dishonest intention of making initial promise or representation thereof, from the very beginning of the formation of contract. Further, in the absence of the averments made in the complaint petition wherefrom the ingredients of the offence can be found out, the High Court should not hesitate to exercise its jurisdiction Under Section 482 of the Code of Criminal Procedure. Section 482 of the Code of Criminal Procedure saves the inherent power of the High Court, as it serves a salutary purpose viz. a person should not undergo harassment of litigation for a number of years, when no criminal offence is made out. It is one thing to say that a case has been made out for trial and criminal proceedings should not be quashed, but another thing to say that a person must undergo a criminal trial despite the fact that no offence has been made out in the complaint. This Court in V.Y.



Jose (supra) placed reliance on several earlier decisions in "Hira Lal Hari Lal Bhagwati v. CBI", "Indian Oil Corporation v. NEPC India Ltd.", "Vir Prakash Sharma v. Anil Kumar Agarwal" and "All Cargo Movers (I) (P) Ltd. v. Dhanesh Badarmal Jain".

18. This Court, in **Delhi Race Club (1940) Limited and Ors. v. State of Uttar Pradesh and Anr., (2024) 10 SCC 690** highlighted the fine distinction between the offences of criminal breach of trust and cheating, observing that the two are antithetical in nature and cannot coexist simultaneously. Police officers and courts must carefully apply their minds to determine whether the allegations genuinely constitute the specific offence alleged.

19. In **Kunti and Anr. v. State of Uttar Pradesh and Anr., (2023) 6 SCC 109** this Court referred to **Sarabjit Kaur v. State of Punjab and Anr. (2023) 5 SCC 360** wherein it was observed that a breach of contract does not give rise to criminal prosecution for cheating unless fraudulent or dishonest intention is shown right at the beginning of the transaction. Merely on the allegation of failure to keep a promise will not be enough to initiate criminal proceedings. Thus, the dishonest intention on the part of the party who is alleged to have committed the offence of cheating should be established at the time of entering into the transaction with the complainant, otherwise the offence of cheating is not established or made out.

20. It is the duty and obligation of the court to exercise a great deal of caution in issuing process, particularly when the matter is essentially of civil nature. The prevalent impression that civil remedies, being time-consuming, do not adequately protect the interests of creditors or lenders should be discouraged and rejected as criminal procedure cannot be used to apply pressure.⁸ Failure to do so results in the breakdown of the Rule of law and amounts to misuse and abuse of the legal process.

21. In yet another case, again arising from criminal proceedings initiated in the State of Uttar Pradesh, this Court was constrained to note recurring cases being encountered wherein parties repeatedly attempted to invoke the jurisdiction of criminal courts by filing vexatious complaints, camouflaging allegations that are ex facie outrageous or are pure civil claims. These attempts must not be entertained and should be dismissed at the threshold. Reference was made to a judgment of this Court in **Thermax Limited and Ors. v. K.M. Johny and Ors. (2011) 13 SCC 412** which held that courts should be watchful of the difference between civil and criminal wrongs, though there can be situations where the allegation may



constitute both civil and criminal wrongs. Further, there has to be a conscious application of mind on these aspects by the Magistrate, as a summoning order has grave consequences of setting criminal proceedings in motion. Though the Magistrate is not required to record detailed reasons, there should be adequate evidence on record to set criminal proceedings into motion. The Magistrate should carefully scrutinize the evidence on record and may even put questions to the complainant/investigating officer etc. to elicit answers to find out the truth about the allegations. The summoning order has to be passed when the complaint or chargesheet discloses an offence and when there is material that supports and constitutes essential ingredients of the offence. The summoning order should not be passed lightly or as a matter of course. Lastly, we would refer to another detailed judgment of this Court in Sharif Ahmed and Anr. v. State of Uttar Pradesh and Anr., which draws out the ingredients required to establish an offence Under Sections 406, 415, 420, 503 and 506 of the Indian Penal Code in the following terms:

36. An offence Under Section 406 of the Indian Penal Code requires entrustment, which carries the implication that a person handing over any property or on whose behalf the property is handed over, continues to be the owner of the said property. Further, the person handing over the property must have confidence in the person taking the property to create a fiduciary relationship between them. A normal transaction of sale or exchange of money/consideration does not amount to entrustment. Clearly, the charge/offence of Section 406 Indian Penal Code is not even remotely made out.

37. The chargesheet states that the offence Under Section 420 is not made out. The offence of cheating Under Section 415 of the Indian Penal Code requires dishonest inducement, delivering of a property as a result of the inducement, and damage or harm to the person so induced. The offence of cheating is established when the dishonest intention exists at the time when the contract or agreement is entered, for the essential ingredient of the offence of cheating consists of fraudulent or dishonest inducement of a person by deceiving him to deliver any property, to do or omit to do anything which he would not do or omit if he had not been deceived. As per the investigating officer, no fraudulent and dishonest inducement is made out or established at the time when the agreement was entered.





38. An offence of criminal intimidation arises when the Accused intendeds to cause alarm to the victim, though it does not matter whether the victim is alarmed or not. The intention of the Accused to cause alarm must be established by bringing evidence on record. The word 'intimidate' means to make timid or fearful, especially: to compel or deter by or as if by threats. The threat communicated or uttered by the person named in the chargesheet as an Accused, should be uttered and communicated by the said person to threaten the victim for the purpose of influencing her mind. The word 'threat' refers to the intent to inflict punishment, loss or pain on the other. Injury involves doing an illegal act.

39. This Court in *Manik Taneja v. State of Karnataka*, had referred to Section 506 which prescribes punishment for the offence of 'criminal intimidation' as defined in Section 503 of the Indian Penal Code, to observe that the offence Under Section 503 requires that there must be an act of threatening another person with causing an injury to his person, reputation or property, or to the person or reputation of any one in whom that person is interested. This threat must be with the intent to cause alarm to the person threatened or to do any act which he is not legally bound to do, or omit to do an act which he is entitled to do. Mere expression of any words without any intent to cause alarm would not be sufficient to bring home an offence Under Section 506 of the Indian Penal Code. The material and evidence must be placed on record to show that the threat was made with an intent to cause alarm to the complainant, or to cause them to do, or omit to do an act. Considering the statutory mandate, offence Under Section 506 is not shown even if we accept the allegation as correct.

22. Significantly, this Court in *Sharif Ahmed (supra)* cautioned courts to check such attempts of making out a criminal case on the basis of vague and ex facie false assertions.

From bare perusal of the provisions and judgment referred supra, it is evident that a multitude of cases are brought before this Court wherein purely civil disputes are given the colour of criminal offences. This Court, on numerous occasions, has rightly



quashed such FIRs, recognizing that the underlying matter pertains to a civil dispute rather than any criminal wrongdoing.

28. In view of the above discussion, the petitions deserves to be and are hereby allowed and it is ordered that the all consequent proceedings pertaining to FIR No.332/2022 registered at PS Kotwali, District Bhilwara, Rajasthan and FIR No. 384/2021 registered at PS Kotwali, District Bhilwara, Rajasthan are hereby quashed and set aside.

29. Stay petitions stands disposed of.

(FARJAND ALI),J

13-Mamta/-