



**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO.1196 OF 2022
(Arising out of SLP (Criminal) No.485 of 2022)**

M.P. RamaniAppellant(s)

Versus

State of Kerala & Anr. Respondent(s)

J U D G M E N T

A.S. Bopanna, J.

1. The appellant herein who was arrayed as Respondent No.2 in CrI.M.C. No.1792 of 2019 (D) before the High Court of Kerala is before us in this appeal assailing the order dated 07.10.2020. By the said order, the High Court has allowed the petition filed by Respondent No.2 herein under Section 482 of Cr.P.C and quashed the final report submitted alleging commission of

offence under Sections 420, 465, 468 and 472 IPC by respondent No.2 herein.

2. The brief facts leading to the case is that the appellant herein as *de facto* complainant filed a complaint dated 14.01.2014 before the Sub-Inspector, Payyannur Police Station alleging that the cheque bearing No.813/063676 of Canara Bank, Payyannur Branch relating to A/c No.13111/2019 standing in the name of the appellant has been fraudulently obtained by the respondent No.2 herein and on forging the appellant's signature has attempted to extract amount from her account. It is specifically alleged that the signature on the cheque is forged and the cheque is drawn for a sum of Rs.3,50,000/- (Rupees three lakhs and fifty thousand) and was presented through the Federal Bank, Payyannur Branch through the account maintained by respondent No.2. The complaint further alleges that the cheque was allotted to the appellant by the Canara Bank, 30 years back and was not in use for want of new MCRI number. Based on the said complaint, FIR No.66 dated 20.01.2014

came to be registered for offence under Sections 420, 465, 468 and 472 IPC. Pursuant thereto the investigation was conducted and the final report under Section 173 Cr.P.C. was filed before the Competent Court. The respondent No.2 herein was accordingly accused of having committed the crime alleged by the appellant.

3. The appellant, at that stage filed the petition under Section 482 before the High Court seeking that the final report be quashed. The appellant was arrayed as respondent No.2 to the said petition. The High Court by the impugned order dated 07.10.2020 has allowed the petition and quashed the proceedings. The brief impugned order reads as hereunder:

“ORDER

A final report was submitted alleging the offences punishable under Sections 420, 465, 468 and 472 IPC based on an alleged issuance of a cheque in favour of the accused. It is alleged that the accused somehow obtained cheque leaf belonged to the *de facto* complainant and forged the same into a cheque signed by him. On investigation it was revealed that the cheque leaf is belonged to the *de facto* complainant and it contains his signature. Final report was submitted on the

allegation that the accused threatened the *de facto* complainant by using the said cheque. But no such case was raised by the complainant. The submission of final report for the abovesaid offence hence is an abuse of process of the court and quashed.

Cr1. M.C. is allowed accordingly.”

4. The appellant, thus being aggrieved is before this Court assailing the said order.

5. Heard Shri Raghenth Basant, learned counsel for the appellant, Shri Ardhendumauli Kumar Prasad, learned counsel for respondent No.2, Shri Nishe Rajen Shonker, learned counsel for respondent No.1, and perused the appeal papers.

6. In the background of the contentions urged, a perusal of the appeal papers indicates that the appellant herein, as the *de facto* complainant had made a specific allegation that the cheque leaf belonging to the appellant which was about 30 years old and was not in use had been wrongly secured, her signature was forged and fabricated by the respondent No.2 to extract the amount of Rs.3,50,000/- (Rupees three lakhs and fifty thousand)

indicated therein. Based on such complaint, the law was set in motion. The final report submitted under Section 173 Cr.P.C. on completion of the investigation would disclose that the investigating officer has cited as many as 15 witnesses to lead to the charge against respondent No.2 herein that with an intention to commit the offence, he had written an amount of Rs.3,50,000/- (Rupees three lakhs and fifty thousand) and presented it through his account in Federal Bank, Payyannur Branch, thereby tried to extract the money from the appellant which amounts to commission of an offence punishable under Sections 420, 465, 468 and 472 IPC.

7. Though detailed investigation was conducted and the final report was filed, the order of the High Court which is extracted above will indicate that while exercising the power under Section 482 Cr.P.C., it is not only brief, but cryptic. The High Court, neither has adverted to the facts arising in the case in detail nor to the nature of the allegation which led to the investigation and the filing of the final report. The only observation which appears to

have influenced the decision of the High Court is that the cheque leaf belongs to the appellant and it contains her signature and there is no allegation of threat. On the other hand, the very case sought to be made out by the appellant is that the cheque belonging to the appellant has been wrongly possessed by respondent No.2 and the cheque has been presented for realization by forging her signature and an attempt was made to extract the money. The non-examination of the case is incorrect perspective, keeping in view the guideline laid down by this Court to be borne in mind while exercising the power under Section 482 of Cr.P.C., in various decisions, more particularly in the case of ***State of Haryana & Ors. vs. Bhajan Lal & Ors.***, 1992 Supp (1) SCC 335 has led to an order which on the face of it is not sustainable.

8. Having noted that the High Court has quashed the final report without adverting to either the facts or law by a cryptic order, it would be appropriate for us to set aside the order and restore the petition to the file to the High Court so as to enable the parties to put forth their

contentions and allow the High Court to comprehensively advert to the matter on facts and law.

9. Accordingly, the order dated 07.10.2020 passed by the High Court in Crl.M.C. No.1792 of 2019 (D) is set aside. Crl.M.C. No.1792 of 2019 (D) is restored to the file of the High Court of Kerala to enable a decision afresh and in accordance with law. All contentions of the parties are left open.

10. The appeal is allowed with no order as to costs.

11. Pending application, if any, shall stand disposed of.

.....**J.**
(D.Y. CHANDRACHUD)

.....**J.**
(A.S. BOPANNA)

**New Delhi,
August 11, 2022**