IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE
HON'BLE SHRI JUSTICE B.P. SHARMA

ON THE 6TH OF APRIL 2026

Misc. Criminal Case No.56032 of 2024

Atul Anupam Abraham & Another

Versus

The State of Madhya Pradesh & Others

WITH

Misc. Criminal Case No.56035 of 2024

Luvy Mary Sathe

Versus

The State of Madhya Pradesh & Others

WITH

Misc. Criminal Case No.56148 of 2024

Ekta Peters

Versus

The State of Madhya Pradesh & Others

WITH

Misc. Criminal Case No.56150 of 2024

Luvy Mary Sathe

Versus

The State of Madhya Pradesh & Others

WITH

Misc. Criminal Case No.56151 of 2024

Luvy Mary Sathe

Versus

The State of Madhya Pradesh & Others

WITH

Misc. Criminal Case No.5474 of 2025

Chandrashekhar Vishwakarma

Versus

The State of Madhya Pradesh & Others

WITH

Misc. Criminal Case No.59769 of 2025

Surya Prakash Verma

Versus

The State of Madhya Pradesh

WITH

Misc. Criminal Case No.46226 of 2024

Shashank Shrivastava

Versus

The State of Madhya Pradesh

WITH

Misc. Criminal Case No.46233 of 2024

Shashank Shrivastava

Versus

The State of Madhya Pradesh

WITH

Misc. Criminal Case No.46241 of 2024

Shashank Shrivastava

Versus

The State of Madhya Pradesh

WITH

Misc. Criminal Case No.59761 of 2025

Surya Prakash Verma

Versus

The State of Madhya Pradesh & Others

WITH

Misc. Criminal Case No.59763 of 2025

Surya Prakash Verma

Versus

The State of Madhya Pradesh

WITH

Misc. Criminal Case No.59771 of 2025

Surya Prakash Verma

Versus

The State of Madhya Pradesh

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Appearance:

Shri Vivek K. Tankha – Senior Advocate assisted by Shri Harshit Bari – Advocate and Shri Shailendra Verma – Advocate for the petitioners in respective petitions.

Shri Dinesh Prasad Patel – Government Advocate for the respondent/State.

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Reserved on	***:***	***15.01.2026***
Pronounced on	***:***	***06.04.2026***

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O R D E R

Since the facts and issues involved in the present petitions, seeking quashment of different FIRs, are similar in nature, they are being heard together and are being disposed of by this common order. This order shall govern the disposal of all the aforesaid petitions.

2. The petitioners have filed these petitions under Section 482 of Cr.P.C. seeking the following reliefs:-

> *"**i.** Quashment of FIR's bearing Crime Nos. 254 of 2024; 253 of 2024 registered at P.S. - Omti; Crime No. 275 of 2024 registered at P.S. Belbagh; Crime no 203 of 2024 registered at P.S. Sanjeevani Nagar; Crime No. 178 of 2024 registered at P.S. Gwarighat and Crime No. 219 of 2024 registered at P.S. Gorabazar, District Jabalpur (M.P.) and all consequential proceedings arising therefrom.*
>
> ***ii.** Initiate and enquiry against the erring officials for registering frivolous cases against the petitioners.*
>
> ***iii.** Provide any other relief which the Hon'ble Court may deem fit in the interest of justice."*

3. The brief facts given rise to the petitions (M.Cr.C. Nos.56032/2024, 56035/2024, 56148/2024, 56150/2024, 56151/2024 and 5474/2025) are that according to the prosecution case, the petitioners are principals, members of management committee, and principal advisors in the private unaided schools of Jabalpur. The District Collector, Jabalpur formed an enquiry committee to conduct an enquiry in the aforementioned private schools for alleged unauthorized increment in fees and regarding sale of books having duplicate ISBN (international standard book number) to the students. The enquiry committee formed by the collector consisted of 3 members including the complainants/respondent no. 3, Block Education Officers and one SDO (Sub Divisional Officer). The enquiry committee submitted its report dated 22.04.2024 wherein the committee found that the alleged schools, in the past few academic years had increased the fee for more than the prescribed limit and had included specific books in their syllabus which were only available in certain selected shops and were sold with duplicate ISBNs. Hence, the enquiry committee concluded that the aforesaid schools have breached the mandate of M.P. Niji Vidyalaya (Fees Tatha Sambandhit Vishayon Ka Viniyaman) Adhiniyam, 2017, and therefore, certain actions including punitive actions were proposed to be taken against the school administration and its representatives and also against the book sellers.

4. The respondent/Collector relying on the enquiry report dated 22.05.2024 vide communication dated 24.05.2024, issued directions to various government authorities to lodge FIRs against the management of various schools, booksellers, publishers of the books, as well as other employees like the principal of the schools. The Collector uploaded a post on Facebook inviting parents of students to submit complaints, if any, against the school managements and further informed that ISBN numbers of books could be verified from the website https://isbn.gov.in. Pursuant to the said post, certain complaints were received; whereafter committees were constituted to conduct inquiries. The said committees submitted their inquiry reports, on the basis of which FIRs were registered against principals of various schools and, in some cases, against members of the school managements, management committees, booksellers, and publishers. It is further stated that on the basis of the inquiry committee's report dated 22.05.2024 and on the directions of the Collector, the petitioners, along with other principals and employees of 21 reputed private unaided schools of the region and certain booksellers, were called for questioning at the concerned police stations on 27.05.2024 at 10:00 PM. Thereafter, on the insistence of the Collector, the complainants, who were principals of government schools, lodged multiple FIRs, including the aforesaid FIRs, at around 12:00 PM on the same day against the petitioners and other accused persons. Due to lodging the aforesaid FIRs, petitioners were arrested in midnight and were sent to judicial custody in a mechanical manner. Subsequently, the petitioners were enlarged on bail by orders passed by the Hon'ble Supreme Court as well as this Hon'ble Court.

5. Learned Senior Counsel for the petitioners submits that the impugned FIRs have been registered against the petitioners, who are principals and members of the management committees of some of the most reputed schools of the city. He submits that under Section 5(3)(b) and (c) of the M.P. Niji Vidyalaya (Fees Tatha Sambandhit Vishayon Ka Viniyaman) Adhiniyam, 2017, no prior permission is required for enhancement of fees up to 10% from the preceding academic year. The Act provides for an inquiry by the competent committee and empowers it, under Section 10(2), to impose a penalty of ₹2 lakhs and to direct refund of excess fees, but does not contemplate any criminal liability against school representatives such as principals, teachers, or members of the management committee. Further, Section 15 of the Act gives it an overriding effect over other laws; therefore, initiation of criminal proceedings is stated to be contrary to the scheme of the Act. It is further submitted that the FIRs were lodged solely on the basis of the inquiry report dated 22.05.2024, which recommended registration of criminal cases against the petitioners and booksellers. Consequent thereto, the District Education Officer issued orders declaring all fee increases from academic years 2018–19 to 2024–25 invalid, directing refund of excess fees within 30 days, reverting the fee structure to that of 2017–18, and prohibiting inclusion of new books in the syllabus including other directions.

6. It is submitted that the consequential orders passed by the District Education Officer pursuant to the inquiry report dated 22.05.2024 were challenged before Single Bench in various writ petitions and the said writ petitions were dismissed by the Single Bench by common order dated 30.07.2024; however, order of the learned Single Judge was set aside by the Division Bench vide order dated 02.12.2025 passed in Writ Appeal No. 1778 of 2024 and connected matters, whereby the proceedings dated 22.05.2024 arising out of the inquiry report were quashed and the State authorities were directed to act strictly in accordance with the procedure prescribed under the Act of 2017. It is further submitted that the said proceedings constituted the very foundation of the impugned FIRs and, once the foundation itself has been declared illegal and non-est, all consequential proceedings, including the FIRs, are liable to be set aside.

7. It is submitted that there is no iota of evidence in the chargesheet which could demonstrate that the fee was increased for more than the prescribed limit as per the Act of 2017 and the prosecution has initiated criminal proceedings against the petitioners for the offences punishable under the Indian Penal Code, whereas the Act provides for an inquiry by the competent committee and empowers it, under Section 10(2), to impose a penalty of ₹2 lakhs and to direct refund of excess fees, but does not contemplate any criminal liability against school representatives such as principals, teachers, or members of the management committee.

8. Allegation made by the prosecution against the petitioners, along with the other co-accused, is that they had created pressure on the students to purchase books from certain specific shops/booksellers, which is totally contrary to the evidence produced by the prosecution in their chargesheets. The material produced by the prosecution in relation to the aforesaid allegation is the booklist/syllabus of the schools for the preceding few academic years, which clearly shows that parents and students are free to purchase books and uniforms from any shops of their choice. It is also evident from the statements recorded under 161 of Cr.P.C. by parents before the police authorities that there is no allegation against the representatives of the schools that they had forced the students to purchase books from any particular shop. The prosecution herein has failed to establish and corroborate the allegation, as the material placed in the record and the chargesheet states in favor of the petitioners and is clearly in contravention of the allegation.

9. Moreover, the prosecution conducted the investigation in an improper manner. In certain FIRs, books and book lists seized from different schools were made part of the charge sheet of other schools. Books seized in cases arising out of different crime numbers were wrongly clubbed together and sent for ISBN verification. In some instances, books were neither seized from the schools nor from the booksellers, and the prosecution failed to disclose the material relied upon to conclude that books were being sold with duplicate ISBNs. It is submitted that the Raja Rammohan Roy

National Agency for ISBN has published manuals and FAQs on its official website stating that the ISBN system does not impose any legal requirement to obtain an ISBN, nor does it confer any legal or copyright protection. It further clarifies that reprinting a book with only a change in price does not require a new ISBN. Further, as per the letter issued by the Ministry of Education, ISBNs issued prior to April 2016 cannot be verified through the online portal. The prosecution has failed to provide any reasonable explanation as to how it concluded that the ISBNs were forged or fabricated, particularly when the verification portal used was not affiliated with the ISBN Agency.

10. Learned Senior counsel further submitted that the present cases are nothing but a sheer misuse of criminal machinery because of which the petitioners who are teachers, principals, employees, and representatives of the schools were deliberately placed under public scrutiny and unnecessarily made to suffer which was agonizing for the petitioners. It becomes very difficult to understand, how the present cases were registered in absence of sufficient material and only on the basis of blatant statements and communications of the State Administration. In view of the aforesaid submissions, it is prayed to quash the impugned FIRs, Chargesheets, and all consequential proceedings arising out of the impugned FIRs against the present petitioners. In support of his contentions, the counsel has placed reliance on ***Mohd. Ibrahim v. State of Bihar, (2009) 8 SCC 751, Jupally Lakshmikantha Reddy v. State of A.P., 2025 SCC OnLine SC 1950, Sheila Sebastian v. R. Jawaharaj, (2018) 7 SCC 581, Robert John D'Souza v. Stephen Gomes, (2015) 9 SCC 96***, ***Arshad Neyaz Khan v. State of Jharkhand, 2025 SCC OnLine SC 2058, Ajay Malik v. State of Uttarakhand, 2025 SCC OnLine SC 185, Rekha***

Jain v. State of U.P., (2022) 3 SCC 497 and ***State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335.***

11. Learned counsel for the petitioners in M.Cr.C. Nos. 46226, 46233, 46241 of 2024 and M.Cr.C. Nos. 59761, 59763, 59769, 59771 of 2025, submit that allegation against the petitioner-Surya Prakash Verma who runs Children Book House is that he has forged the ISBN numbers of the books available in his book shop. It was also alleged that the Principals and management of the private schools in connivance with the book sellers and publishers constituted criminal conspiracy against the parents and students. It is submitted that so far as the allegation with regard to forged ISBN numbers on the books is concerned, as per the ISBN Portal, the books in question duly match the registered ISBN records. It is evident from the material produced from the chargesheet that the letter issued by the Ministry of Education regarding verification of ISBNs stated that the date issued to the publishers prior to April 2016 cannot be verified from the portal, and the prosecution has not provided any reasonal explanation as to how they reached a conclusion that the ISBNs are forged and fabricated. Moreover, the portal from which the ISBN's were verified was not affiliated by the ISBN Agency, then how has the prosecution culminated that the ISBN's on the books sold are forged. The petitioner had furnished valid purchase bills and vouchers; however, the prosecution has failed to place the said documents on record along with the challan. The counterfoils of receipts are available and were also seized, yet they have not been filed before the Court. It is submitted that approximately 3,000 books were examined during the enquiry by the enquiry committee and thereafter returned to the petitioner on Supurdginama. Except for one seizure memo pertaining to a single set of books from KG-I to XII standard, no substantive seizure has been effected. Learned counsel for the petitioners contend that the petitioners have been falsely implicated. Therefore prayer is made for quashment of FIR and other consequential proceedings.

12. As far as the case of petitioner-Shashank Shrivastava is concerned he is the son-in-law of Surya Prakash Verma and is a Dentist by profession. He has nothing to do with the business, which is being run by Surya Prakash Verma. Merely because on the unfateful day, he was sitting in the book shop owned by Surya Prakash Verma, he has been implicated in the case. It is further contended that no single document is available on record to demonstrate that petitioner-Shashank Shrivastava has any connection with shop being Children Book House, licence of which is in the name of Surya Prakash Verma.

13. Furthermore, it is submitted that the consequential orders passed by the District Education Officer pursuant to the enquiry report were challenged before the learned Single Bench in various writ petitions and the said petitions were dismissed vide common order dated 30.07.2024, however, the said order was set aside by the Division Bench vide order dated 02.12.2025 passed in W.A. No.1778/2024 and other connected matters and the respondents were directed to act strictly in accordance with the procedure provided under the M.P. Niji Vidyalaya (Fees Tatha Sambandhit Vishayon Ka Viniyaman) Adhiniyam, 2017 and M.P. Niji Vidyalaya (Fees Tatha Sambandhit Vishayon Ka Viniyaman), 2020.

14. Learned counsel for the petitioner further submits that, so far as the offence under Section 409 of the Indian Penal Code is concerned, it must be proved that a person entrusted with property, or with any dominion over property in his capacity as a public servant, commits criminal breach of trust in respect of such property as defined under Section 405 of the IPC. This means that such person must have dishonestly misappropriated or converted the property to his own use, or dishonestly used or disposed of that property in violation of any direction of law prescribing the mode in which such trust is to be discharged, or of any legal contract, express or implied, made by him in respect of such trust, or willfully suffered any other person to do so. So far as the offence under Section 420 of the IPC is concerned, the same is not made out against the applicant, as there is no allegation or material to show that the applicant cheated any person or dishonestly induced the delivery of any property. Similarly, the offence under Section 468 of the IPC is also not made out against the applicant, as the applicant has not committed any forgery for the purpose of cheating. Hence, the alleged offences are not attracted against the applicant.

15. That there is no evidence on record whatsoever to indicate that the present applicant was involved in the commission of the aforesaid offences. The present criminal proceedings are manifestly tainted with mala fides and have been maliciously instituted with an ulterior motive to wreak vengeance upon the applicant and to spite him due to private and personal grudge. Applicants place reliance upon the judgment of the Hon'ble Supreme Court in State of ***Haryana vs. Bhajan Lal,*** *reported in* ***1992 (1) SCC 335***, wherein the Hon'ble Court has laid down the categories of cases in which criminal proceedings and FIRs are liable to be quashed in exercise of inherent powers. The material on record clearly demonstrates that the complaint has been filed in a mala fide, frivolous, and vexatious manner; therefore, the First Information Report is liable to be quashed by this Court. That the factual matrix unmistakably shows that the FIR is nothing but a sheer abuse of the process of law, and this is a fit case wherein the inherent powers under Section 482 of the Code of Criminal Procedure ought to be exercised by this Court to secure the ends of justice.

16. Learned Government Advocate has opposed the petitions and submitted that in the cases in hand serious allegations have been levelled against the School Management, Principal, Book Sellers and publishers etc. and since last so many years, parents of the students have been duped under the garb of enhancement of fee. Enhancement of fee in many cases is much more than 50%. There is seizure of books, which contained forged ISBN.

17. It is also submitted that pursuant to order passed by the Collector, committees were constituted, which conducted enquiries in regard to the Schools and concluded that there was enhancement in fee without there being any permission by the competent Authority and there were mentioning of forged ISBN on the books. It is contended that the parents of the students were persuaded to buy books from a particular book seller and as a result of which the concerned book sellers sold the books to the students, which contained forged or duplicate ISBN. It is contended that the allegations are serious in nature, inasmuch as, no such ISBNs are available on the portal. It is, thus, clear that in the present cases, there is nexus between the school Management, Principal, Book Sellers and publishers. The trial is going on in the matters and as such at this stage interference by this Court is unwarranted.

18. Learned counsel for the respondent/State contends that the parents of the students were persuaded to buy books from a particular book seller and as a result of which the concerned book sellers sold the books to the students, which contained forged or duplicate ISBN. It is contended that the allegations are serious in nature, inasmuch as, no such ISBNs are available on the portal. It is, thus, clear that in the present case, there is nexus between the school Management, Principal, Book Sellers and publishers. Investigation in the matter is still going on and the role and act of each of the accused persons are still being investigated and as such at this stage, the applicant is not entitled for grant of bail.

19. Upon a careful consideration of the submissions advanced and the material placed on record, this Court finds that the controversy, at its core, arises from the interpretation and application of the provisions of the M.P. Niji Vidyalaya (Fees Tatha Sambandhit Vishayon Ka Viniyaman) Adhiniyam, 2017 (hereinafter referred to as "the Act of 2017"). A plain reading of Section 5(3)(b) and (c) of the Act of 2017 unequivocally demonstrates that the management of a private unaided school is not required to obtain prior permission for enhancement of fees, so long as such increase remains within the prescribed limit of 10% from the preceding academic year. Further, the statutory scheme contemplates that, in cases of deviation, the competent authority is empowered to impose a monetary penalty, which, under Section 10 (2), may extend to ₹2,00,000/- along with a direction to refund any excess fee collected. Significantly, the Act does not envisage the imposition of criminal liability upon functionaries such as principals, teachers, or members of the management committee. Section 15 of the Act further provides for its overriding effect. It is a settled principle that a special statute prevails over general law, as expounded by the Hon'ble Supreme Court in ***Sharat Babu Digumarti v. State (NCT of Delhi), (2017) 2 SCC 18,*** the relevant extract is reproduced herein:

> *"32. Section 81 of the IT Act also specifically provides that the provisions of the Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force. All provisions will have their play and significance, if*

the alleged offence pertains to offence of electronic record. It has to be borne in mind that IT Act is a special enactment. It has special provisions. Section 292 IPC makes offence sale of obscene books, etc. but once the offence has a nexus or connection with the electronic record the protection and effect of Section 79 cannot be ignored and negated. We are inclined to think so as it is a special provision for a specific purpose and the Act has to be given effect to so as to make the protection effective and true to the legislative intent. This is the mandate behind Section 81 of the IT Act. The additional protection granted by the IT Act would apply."

20. The aforesaid consequential orders were subjected to judicial scrutiny before this Court in writ proceedings. Though initially certain writ petitions were dismissed, the same were subsequently assailed in writ appeal, wherein this Court, vide order dated 02.12.2025, set aside the orders passed by the learned Single Judge and quashed the proceedings arising out of the enquiry report dated 22.05.2024. The Division Bench held that the authorities had acted beyond the scope of the Act of 2017 and directed the State to proceed strictly in accordance with the statutory framework. The operative portion of the said order passed by the Division Bench of this Court in Writ Appeal (WA No. 1778/2024), as reproduced herein reflects reservations regarding the manner in which the enquiry was conducted and the extent of interference with the management of private institutions is hereby followed:

"12. It appears that the Committee acted in a very hostile atmosphere against the private educational institutions. When the allegations are of competency or exceeding the limit, while exercising the power by a Statutory Committee, the writ appeals and writ petitions are certainly maintainable. The writ Court has wrongly

dismissed the writ petitions for want of a remedy of appeal available under the Act of 2017. Admittedly, the Competent Authority has not conferred any power under Section 5 of the Act of 2017 to fix the fee and issue various directions which are within the domain of the management or society which runs the school. It amounts to interference with the management of the schools, which is not the scope of the Act of 2017 and Rules 2020; therefore, the impugned order is not sustainable. Even otherwise, the manner on which the Committee conducted the proceedings by way of public hearing is highly objectionable.

13. The Committee conducted a public hearing in an open place by calling all the parents, students, representatives of school management, owners, principals etc., to one place. Such a type of compliance with the opportunity to hearing is not contemplated in the Act and Rules, and thereafter, an order. This Court, by way of interim relief, restrained the respondents from conducting such a public hearing in which the management, principals, and teachers were being humiliated in front of the public and the parents. If the parents were not satisfied with the fee, nobody compelled them to admit their wards in the schools.

14. The manner in which the entire issue was handled by the local administration, same has developed a rift and difference between the management of the school and the parents, which is not good for the education and career of the students. The issue could have been handled in a proper manner as provided under the Act of 2017 and the Rules of 2020.

15. With the above observation, the impugned order 30.07.2024 is hereby set aside. The ***Writ Appeal No.1778/2024 and all the writ appeals are allowed.*** *The respondents are directed to act strictly in accordance with the procedure provided under the* ***Act of 2017 and the Rules of 2020****."*

21. In view of the aforesaid, this Court does not find any merit in the submission that the proceedings forming the foundation of the impugned FIRs are unsustainable merely on the ground relating to alleged issues concerning ISBN verification. The scope and points for consideration in Writ Appeal No. 1778 of 2024 are clearly distinguishable from the present proceedings, as the issues involved therein pertained to the validity of administrative action regarding the hike in fee under the statutory framework, whereas the present petitions require this Court to examine whether prima facie material exists disclosing the commission of cognizable offences and whether continuation of proceedings amounts to abuse of the process of law.

22. Upon a comprehensive consideration of the catena of judgments relied upon, this Court finds that the Hon'ble Supreme Court has consistently reiterated the strict parameters governing criminal prosecution, particularly in cases alleging offences of cheating, forgery, criminal breach of trust, and conspiracy. In ***Mohd. Ibrahim (supra),*** the Hon'ble Supreme Court lucidly delineated the essential ingredients of the offences of forgery, use of forged document, and cheating, and held that the very foundation of an offence under Sections 467 and 471 IPC is the making of a "false document" as defined under Sections 463 and 464 IPC. The Court clarified that a document can be said to be "false" only when it is made or executed by a person dishonestly or fraudulently so as to make it appear that it was executed by someone else or under the authority of another, or where a document is materially altered without authority, or obtained by deception from a person incapable of understanding it. It was emphatically held that merely executing a document containing a false claim or assertion, such as transferring property not owned by the executant, would not amount to forgery unless there is impersonation or false attribution of authority. The Court further observed that in the absence of making of a false document, the offences under Sections 467 and 471 IPC cannot be attracted. Similarly, with respect to the offence of cheating under Section 420 IPC, the Court reiterated that there must be a clear element of dishonest or fraudulent intention at the inception, coupled with inducement leading to delivery of property or causing harm. In the facts of the case, the Supreme Court found that the allegations, even if accepted in entirety, did not satisfy the essential ingredients of offences under Sections 420, 467, 471, and 504 IPC, as there was no deception, no inducement, and no making of a false document. Consequently, the proceedings and charges under these provisions were quashed. The principle that emerges from the aforesaid judgment is that criminal liability for forgery is strictly confined to the maker of the false document, and unless the statutory ingredients of "making a false document" and requisite *mens rea* are clearly established, prosecution under forgery-related provisions cannot be sustained; similarly, mere allegations without foundational elements of deception and inducement cannot constitute the offence of cheating.

23. In ***Jupally Lakshmikantha Reddy (supra),*** the Apex Court underscored that the sine qua non for constituting offences under Sections 420, 468 and 471 IPC is the existence of dishonest or fraudulent intention at the very inception, coupled with the making of a false document and resultant wrongful gain or loss. The Court held that in absence of material demonstrating that the accused had fabricated the document or acted with requisite *mens rea*, the continuation of criminal proceedings would be unsustainable. This principle was further fortified in ***Sheila Sebastian (supra),*** wherein it was authoritatively held that forgery is an offence which can be attributed only to the maker of the false document, and unless the accused is shown to have actually created or executed such false document, the essential ingredients of Sections 463 and 464 IPC remain unfulfilled, rendering the prosecution legally untenable.

24. Similarly, in ***Robert John D'Souza (supra)***, the Supreme Court reiterated that for offences such as criminal breach of trust or cheating, mere allegations are insufficient unless supported by foundational facts demonstrating entrustment, dishonest misappropriation, or inducement. The Court emphasized that inherent powers under Section 482 Cr.P.C must be exercised to prevent abuse of process where the uncontroverted allegations do not disclose any offence, particularly when the prosecution appears to be motivated or lacking in substance. This principle finds further resonance in ***Arshad Neyaz Khan (supra),*** wherein the Apex Court held that offences of cheating and criminal breach of trust are distinct and cannot coexist on the same set of facts, and that absence of dishonest intention at the inception vitiates the very foundation of such charges. The Court cautioned against permitting criminal law to be used as a tool for harassment or to settle civil disputes, especially where the allegations are vague and unsupported by material evidence.

25. In ***Ajay Malik (supra),*** the Hon'ble Supreme Court elucidated the essential ingredient of criminal conspiracy under Section 120B of IPC, holding that mere suspicion or association is insufficient, and there must be a clear, discernible agreement to commit an unlawful act, evidenced through some tangible manifestation. In the absence of such material indicating a meeting of minds, the charge of conspiracy cannot be sustained. Likewise, in ***Rekha Jain (supra),*** the Apex Court quashed criminal proceedings where the allegations were primarily against other co-accused and no specific role or incriminating material was attributable to the appellants, holding that continuation of such proceedings would amount to abuse of process and unwarranted harassment.

26. All these principles ultimately converge in the celebrated judgment of ***Bhajan Lal (supra),*** wherein the Hon'ble Supreme Court exhaustively delineated the categories of cases where inherent powers under Section 482 Cr.P.C or extraordinary jurisdiction may be exercised to quash criminal proceedings. It was held, inter alia, that where the allegations, even if taken at face value, do not constitute any offence; where the uncontroverted material fails to disclose the commission of an offence; or where the proceedings are manifestly attended with mala fide or instituted with ulterior motive, the Court would be justified in intervening to secure the ends of justice and prevent abuse of process.

27. It is submitted that the prosecution has not produced any material to depict that there was an agreement between the booksellers and the schools to commit an offence, whereas the charge of conspiracy must be explicitly evidenced and should be easily discernible in the acts of the conspiring parties. Conspiracy cannot be made out without some kind of physical manifestation of the alleged being established, which was held by the Hon'ble Supreme Court in the case of ***Ajay Malik (supra).***

28. Upon a comprehensive evaluation of the entire material placed on record, this Court is of the considered opinion that the present petitions do not warrant interference in exercise of inherent jurisdiction under Section 482 of the Cr.P.C. The material collected by the investigating agency, at this stage, prima facie discloses the existence of a structured and deliberate scheme involving the principal/school management, selected booksellers (including the present petitioners), and certain publishers, whereby books bearing fake or duplicate ISBNs were introduced into the academic curriculum and supplied exclusively through selected channels to generate unlawful financial gain.

29. From the material placed on record, it is evident that the books prescribed by the school were not part of the open market supply chain and were made available only through a limited group of booksellers, including the petitioners. The investigation has revealed that such books carried abnormally high margins, approximately to the extent of 69%, which is wholly disproportionate to the actual printing and handling cost. The very nature of such pricing, when read in conjunction with the allegation that these books bore fake or duplicate ISBNs, prima facie indicates that the pricing mechanism was not based on legitimate commercial considerations but was structured to extract unlawful profits. The material further reflects that the information regarding selection of books and syllabus was not made public in terms of Rule 6(1) (a) of The Madhya Pradesh Niji Vidyalaya (Fees Tatha Sambandhit Vishayon Ka Viniyaman) Rules, 2020, but was selectively disclosed in advance to a few booksellers (petitioners herein), enabling them to place orders 10–15 days prior to publication on the notice board or school portal. This fact, supported by documentary charts in the case diary, clearly demonstrates a coordinated pre-arrangement and meeting of minds, thereby constituting a prima facie case of criminal conspiracy.

30. The allegation that parents and students were compelled, both directly and indirectly, to purchase books and stationery from specific vendors also finds support from the material collected during investigation.

The exclusivity of supply, coupled with the timing of disclosure and limited vendor access, creates a situation where parents had no real or effective choice, thereby resulting in coercive commercial practices. It is further brought on record that stationery items were also sold through the same channels with high margins, thereby augmenting the financial burden on parents. The cumulative financial impact, as reflected in the investigation, indicates that students were compelled to incur an additional expenditure of approximately ₹53,36,858/-, which cannot be brushed aside as incidental or insignificant.

31. The seizure of books during investigation further strengthens the prosecution case. As per the case diary and investigation findings, 136 books relating to Christ Church School were seized in Crime No. 275/2024, and upon verification by the competent authority, several ISBN numbers were found to be invalid/forged or mismatched with the publication details. Similarly, from the premises of the petitioners, multiple syllabus books were seized, out of which a substantial number were found to contain invalid/forged ISBNs. The list of such books, along with their ISBN discrepancies and publisher mismatches, forms part of the record and cannot be ignored at this stage. These facts prima facie establish that the books in circulation were not genuine publications in the strict sense and were part of a controlled supply chain for illegal monetary gain to the petitioners.

32. The material collected during investigation prima facie indicates that, through criminal collusion and conspiracy between the petitioner school management, selected booksellers (including the present petitioners), and certain publishers who are presently absconding and against whom investigation is still pending, a monopolistic arrangement was deliberately created with the object of generating unlawful and excessive profits. It further emerges that, at the time of admission, parents were subjected to direct and indirect coercion to procure books bearing fake or duplicate ISBNs exclusively from the selected booksellers, including the petitioners herein, at exorbitant and unjustified prices, thereby reflecting a concerted scheme of exploitation and financial gain.

33. During the course of investigation, the seized books were forwarded for verification of their ISBNs to the Raja Rammohun Roy National Agency, Delhi, and upon receipt of the report, it has been found that several books contained invalid ISBN numbers and, in multiple instances, the ISBN details did not correspond with the names of the books or their publishers. Further, from the premises of petitioner Surya Prakash Verma, proprietor of Children Book House, and co-accused Shashank Shrivastava, large number of syllabus books were seized, out of which 10 books were found to bear invalid ISBNs as per the verification report. The nature of such books, bearing fake or duplicate ISBNs, prima facie indicates that they are not part of the legitimate open market distribution and would ordinarily be available only to the entities involved in their printing and controlled circulation. It is also evident that the actual cost of such books is confined to printing and handling charges; however, the marked retail price of these books reflects an artificially inflated component, which, in the facts and circumstances of the case, prima facie constitutes an element of unlawful commission and fraudulent gain.

34. Another significant aspect emerging from the record is the unexplained and large-scale alteration of prescribed textbooks, wherein approximately 162 books from nursery to Class XII were replaced in a single academic session without any documented justification or decisionmaking process. No minutes of meetings or academic rationale have been produced to explain such changes. This arbitrary replacement, when viewed in light of the exclusive supply arrangement and high profit margins, prima facie indicates a deliberate attempt to create recurring demand and ensure continued financial benefit. The lack of transparency in the book selection process, coupled with the school management's failure to verify the authenticity of ISBNs, further substantiates the existence of a deliberate conspiracy and active collusion.

35. Another significant circumstance emerging from the material collected during investigation pertains to the excessive weight of school bags, which also lends support to the allegation of conspiracy between the school management and the selected booksellers. It has been prima facie found that the number of prescribed books and stationery items for each class was disproportionately increased; resulting in school bags exceeding the permissible limits prescribed under applicable government guidelines. This inflation in the number of books, without any academic justification, not only imposed a physical burden upon the students but also directly escalated the financial burden on the parents. Such conduct, when viewed in conjunction with the exclusive supply mechanism and high-profit margins on books and stationery, indicates a deliberate design to compel parents to purchase unnecessary materials, thereby causing wrongful loss to them and corresponding unlawful gain to the accused persons. This aspect, therefore, forms an integral part of the alleged criminal conspiracy and cannot be treated as a mere administrative lapse.

36. During the course of investigation, serious financial irregularities have been unearthed in the accounts of St. Aloysius School, which further fortify the allegations against the petitioners. It has been revealed that in the academic year 2020–21, the total income of the school was ₹4,71,30,698/-, out of which an amount of ₹2,13,56,097/- was shown as expenditure purportedly paid to the Jabalpur Diocesan Education Society; however, the audit report does not reflect any such liability of the school towards the said society. Similarly, in the academic year 2021–22, against a total income of ₹5,98,81,540/-, an expenditure of ₹2,90,09,967/- was recorded as paid to the aforesaid society, which again finds no substantiation in the audit records. More significantly, during the same period, a sum of ₹5,00,00,000/- was transferred from the school's bank account to the said society, as evidenced by bank statements, whereas the audit report reflects only ₹2,90,09,967/-, thereby indicating a substantial discrepancy. In the subsequent academic year 2022–23, the school reported a total income of ₹7,54,09,945/-, with an expenditure of ₹3,05,08,265/- shown as paid to the same society, despite the absence of any corresponding liability to the school in the audit report. The documents and financial records annexed with the case diary, therefore, prima facie demonstrate that substantial amounts were transferred by the school management and its principal to the said society without any lawful or accounted basis, indicating grave financial impropriety.

37. The investigation also discloses serious financial irregularities in the accounts of the concerned institutions. Substantial amounts have been shown as expenditure towards entities such as Jabalpur Diocesan Education Society without any corresponding liability reflected in audit reports. There are glaring discrepancies between bank transactions and audited figures, including transfer of amounts far exceeding the recorded expenditure. These financial transactions, prima facie, indicate diversion of funds and lend further support to the allegation that the entire mechanism was designed to generate unlawful financial gain.

38. The contention of the petitioners i.e. the School Principals that they cannot be held liable for offences of forgery on the ground that they are not the "makers" of the books or documents, does not persuade this Court at this stage. The material on record does not attribute isolated or passive conduct to the petitioners; rather, it indicates their active participation in a larger chain of events involving selection, and advanced information of the aforesaid books to the bookseller. When such acts are viewed in the backdrop of a prima facie established conspiracy, the role of each participant cannot be ignored or evaluated in isolation. The liability arising out of conspiracy extends to all participants in furtherance of the common design, and therefore, the defense sought to be raised by the petitioners is a matter to be adjudicated upon evidence during trial.

39. During the course of investigation, a large number of witnesses have been examined, including officials from the administration, the education department, as well as the complainants, and their statements have been duly recorded under the relevant provisions of law. The said statements, prima facie, lend support to and substantiate the allegations levelled against the petitioners. Upon completion of investigation, a charge-sheet has been filed before the competent trial Court against the present petitioners; however, certain co-accused persons, including the publishers alleged to have printed books bearing fake or duplicate ISBNs, are still absconding, and the investigation in respect of such accused persons is continuing.

40. It has been contended on behalf of the petitioners that in certain instances no books were seized either from the schools or from the concerned booksellers and, therefore, in the absence of primary evidence, the very foundation of the allegation regarding circulation of books bearing forged or duplicate ISBNs becomes doubtful. It is further urged that ISBN is merely a classification and identification mechanism administered by the Raja Rammohun Roy National Agency for ISBN under the Ministry of Education, Government of India, and that obtaining an ISBN is not a legal mandate nor does it confer any copyright protection. Reliance has also been placed on the communication dated 27.08.2024 issued by the Ministry of Education, wherein it has been clarified that ISBNs issued prior to April 2016 were allotted manually and may not be reflected on the present digital portal, and that absence of such data does not render the ISBN invalid. It is, therefore, contended that the prosecution has failed to distinguish between pre and post digitalisation ISBNs and has not produced cogent material to establish that the books in question bore invalid or unauthorised ISBNs. It is also contended that, in several instances, books and booklists pertaining to one school were seized and made part of the investigation in relation to another.

41. However, this Court is of the considered view that the aforesaid contentions raised by the petitioners pertain to disputed questions of fact and the evidentiary value of the material collected during investigation, which cannot be conclusively adjudicated at this stage while exercising jurisdiction under Section 482 Cr.P.C. The veracity of the ISBNs, the manner of their issuance, and the authenticity of the seized books are all matters which require detailed examination of evidence, which falls squarely within the domain of the trial Court. At this preliminary stage, it is neither permissible nor appropriate for this Court to undertake a meticulous analysis of such defence pleas, and the same are, therefore, left open to be adjudicated during the course of trial.

42. It is well settled that the inherent powers under Section 482 Cr.P.C. are to be exercised sparingly and only in cases where the allegations do not disclose any offence or where the proceedings are manifestly attended with mala fide. In the present case, the allegations are supported by documentary evidence, seizure material, expert verification, and witness statements. The same cannot be said to be inherently improbable or absurd. On the contrary, they disclose a prima facie case requiring thorough adjudication. The defence raised by the petitioners involves disputed questions of fact, appreciation of evidence, and examination of witnesses, which are matters exclusively within the domain of the trial Court.

43. At this stage, this Court cannot undertake a meticulous examination of the evidentiary value of the material nor can it record findings on disputed factual issues by conducting mini-trial. The sufficiency or reliability of evidence is not to be tested in proceedings under Section 482 Cr.P.C. Once it is found that the allegations, taken at their face value, disclose the commission of cognizable offences and are supported by prima facie material, the proceedings ought not to be quashed.

44. In view of the aforesaid discussion, this Court is of the considered opinion that sufficient material exists on record indicating the involvement of the petitioners in a larger conspiracy involving the school management, selected booksellers, and publishers, aimed at generating unlawful financial gain through circulation of books with fake or duplicate ISBNs and creation of a monopolistic supply chain. The case does not fall within any of the exceptional categories warranting interference at this stage.

45. Accordingly, all the petitions being devoid of merit are hereby ***dismissed***. All pending IAs in these petitions are also ***dismissed***, as the counsel of the petitioners neither pressed the same during the course of arguments nor sought adjudication thereon. The trial Court shall proceed with the matter in accordance with law and decide the case on its own merits, without being influenced by any observations made herein. Record indicates that investigation is pending against some of the accused persons especially book publishers, therefore, this Court by invoking the inherent powers under Section 482 of Cr.P.C, the Superintendent of Police, Jabalpur is directed to complete the investigation as early as possible.

46. Registry is directed to send a copy of this order to the concerned trial Court as well as Superintendent of Police, Jabalpur.

(B.P. SHARMA)
JUDGE

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