2024 INSC 117

REPORTABLE

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. OF 2024
@ SPECIAL LEAVE PETITION (Crl.) No. 9800 OF 2023

DEEPAK KUMAR SHRIVAS & ANR. APPELLANT(S)

VERSUS

STATE OF CHHATTISGARH & ORS. RESPONDENT(S)

J U D G M E N T

VIKRAM NATH, J.

1. Leave granted.
2. As a law enforcement agency, the police force shoulders the vital responsibility of preserving public order, guarding social harmony, and upholding the foundations of justice. However, the current case, full of counter-accusations of financial impropriety and broken promises, highlights the complex matters that occasionally make their way into the hands of the police force. Beyond the immediate contours of the case, a

broader question emerges regarding the balancing of interests that ought to be done between addressing unscrupulous private grievances and safeguarding public interests. From the counter-allegations levelled against each other between the parties in the present case, it becomes evident that the police finds itself entangled in the irrelevant and trivial details of such unethical private issues, diverting the resources away from the pursuit of more consequential matters. The valuable time of the police is consumed in investigating disputes that seem more suited for civil resolution. This underscores the need for a judicious allocation of law enforcement resources, emphasizing the importance of channelling their efforts towards matters of greater societal consequence.

3. By means of this appeal, challenge is to the correctness of the judgment and order dated 11.07.2023 passed by the Division Bench of the High Court of Chhattisgarh in WPCR No.703 of 2022 dismissing the writ petition of the appellant for quashing the criminal proceedings arising out of FIR bearing Crime No.248 of 2022.

4. Relevant facts for deciding the present appeal are as follows:

a) The appellant made a complaint dated 06.04.2021 to the Collector, District Janjgir-Champa (Chhattisgarh) alleging that the respondent no.6 (Rajkumari Maravi) had allured the appellant that she would secure a job for his brother -Raj Kumar Shivas as she had good contacts with higher officers and demanded substantial amount for doing this favour. The appellant got allured and paid Rs.80,000/- cash at the first instance. Later on an additional demand was made and, according to the complaint made by the appellant, he has thereafter deposited about Rs.20,000/- and odd in different bank accounts, details of which were provided by respondent no.6. When nothing happened and no job was provided to his brother, he approached the respondent no.6 for returning the money paid by him upon which she threatened him of false implication and later on she stopped responding to his calls and started avoiding him.

b) The Collector apparently referred the said complaint dated 06.04.2021 to the Superintendent of Police of the District Janjgir-Champa for enquiry. The enquiry is alleged to be entrusted by the Superintendent of Police to the Station House Officer, Police Station Shakti, District Janjgir-Champa. The Station House Officer made detailed enquiries and also recorded the statements of the appellant, respondent no.6 and other persons who were sought to be referred to as witnesses and ultimately submitted the report to the Superintendent of Police on 25.07.2021.

c) The report mentioned interesting facts, according to which, both the parties i.e. appellant and respondent no.6 were accusing each other of having extracted money for securing job for their relatives. As already stated, the appellant was trying to secure a job for his brother whereas, according to respondent no.6, the appellant had taken about Rs.4 lacs from her for securing a job for her daughter. In the enquiry it was also found that when no job was provided by the

appellant to her daughter, the appellant returned some amount by depositing it in her bank account. Both the parties had alleged that false complaints were being made against each other. Interestingly when in the enquiry the Station House Officer required the appellant and respondent no.6 to produce the relevant documents and also the details of the call records and recorded conversations, they failed to provide any such material. Accordingly, it was recommended that the complaint deserves to be closed.

5. It appears that thereafter the respondent no.6 was successful in lodging an FIR against the appellant on 27.07.2022, a copy of which is filed as Annexure P-3. According to the contents of the FIR, an amount of Rs.4 lacs has been taken by the appellant and his brother, the other co-accused, for providing a job to the daughter of respondent no.6. The said amount was paid in April, 2019. The transaction is said to be purely in cash and there are no bank transactions. Before registering the FIR in this case also an enquiry was made and a report was submitted to

the Sub-Divisional Officer, who directed for registration of an FIR. In this enquiry it was found that both parties have made allegations against each other of taking money for providing a job.

6. The appellant filed a petition under Article 226 of the Constitution before the High Court of Chhattisgarh for quashing the FIR and the proceedings arising therefrom. The said petition has since been dismissed by the impugned order giving rise to filing of the present appeal.

7. We have heard learned counsel for the parties.

8. Learned counsel for the appellant submitted that on the earlier occasion upon a complaint submitted by the appellant to the Collector of the district, an enquiry was conducted in which similar allegations against each other were made by both the sides which were not found to be substantiated and, therefore, lodging of the impugned FIR after about one year of the said enquiry, is *mala fide* and an abuse of the process of law. It was further submitted that the impugned FIR is a counterblast and has been maliciously lodged only to resist the appellant

from recovering the amount paid by him to the respondent no.6. It is also submitted that the alleged transaction according to the FIR is of April, 2019 whereas the FIR has been lodged in July, 2022 after more than three years and, therefore, on the ground of delay, the alleged FIR deserves to be quashed.

9. On the other hand, learned counsel for the State of Chhattisgarh as also learned counsel for the respondents have submitted that a cognizable offence was disclosed in the FIR and as such the High Court has rightly dismissed the petition; the investigation must be allowed to continue and if ultimately the police report is submitted under section 173(2) Criminal Procedure Code, 1973 finding the appellant *prima facie* guilty of the charge on the basis of the evidence collected during the investigation, the appellant would have adequate remedy of assailing the charge sheet and also claiming discharge at the stage of framing of charges. There is no justification for scuttling the investigation which may ultimately not only deprive the respondent no.6 of her hard-earned money but also the offence committed by

the appellant would go unpunished. It was also submitted that it was a clear case of cheating as the appellant had deceitfully induced the respondent no.6 to provide a job to her daughter by taking huge amount of money and thereafter neither providing the job nor returning the money.

10. Having heard learned counsel for the parties, we proceed to analyse the material on record and submissions advanced by the parties.

11. In the complaint made by the appellant in 2021 to the Collector an enquiry has been made by the Station House Officer of the Police Station concerned in which the fact that the respondent no.6 had stated that she had paid Rs.4 lacs to the appellant for providing a job to her daughter was recorded. This clearly means that respondent no.6 was well aware of the complaint made by the appellant and in the enquiry her statement had been actually recorded. The respondent no.6 therefore cannot raise a plea that she had no knowledge of the complaint made by the appellant. Despite the same she did not lodge any complaint against the appellant and

his brother and waited for more than a year to lodge the FIR in July, 2022.

12. According to the allegations made in the FIR, the job was to be provided by the appellant within three months of April, 2019 i.e. by July, 2019. However, the respondent no.6 did not take any action for a period of three years till July, 2022 when the FIR in question was lodged. Thus, the FIR suffers from a serious delay of three years which is totally unexplained.

13. A reading of the entire material on record clearly reflects that it was totally an unlawful contract between the parties where money was being paid for securing a job in the government department(s) or private sector. Apparently, a suit for recovery could not have been filed for the said purpose and even if it could be filed, it could be difficult to establish the same where the payment was entirely in cash. Therefore, the respondent no.6 found out a better medium to recover the said amount by building pressure on the appellant and his brother by lodging the FIR. Under the threat of criminal prosecution, maybe

the appellant would have tried to sort out and settle the dispute by shelving out some money.

14. In conclusion, certain key observations from the factual matrix warrant a closer reflection. Prima facie, the conduct exhibited by the parties involved appears tainted with suspicion, casting a shadow over the veracity of their claims. The report from the previous inquiry reflects a convoluted landscape and unveils a trail of unethical, maybe even criminal, behaviour from both parties. The unexplained inordinate delay in bringing these allegations to the police's attention despite knowledge of previous inquiry, raises even more doubts and adds a layer of scepticism to the authenticity of the claims. The facts stated, as well as the prior inquiry, reveal a shared culpability between the parties, indicative of a complex web of deceit, and unethical transactions where even civil remedies may not be sustainable. Thus, the object of this dispute, manifestly rife with mala fide intentions of only recovering the tainted money by coercion and threat of criminal proceedings, cannot be allowed

to proceed further and exploit the time and resources of the law enforcement agency.

15. As parting suggestions, it becomes imperative to state that the police should exercise heightened caution when drawn into dispute pertaining to such unethical transactions between private parties which appear to be prima facie contentious in light of previous inquiries or investigations. The need for vigilance on the part of the police is paramount, and a discerning eye should be cast upon cases where unscrupulous conduct appears to eclipse the pursuit of justice. This case exemplifies the need for a circumspect approach in discerning the genuine from the spurious and thus ensuring that the resources of the state are utilised for matters of true societal import.

16. For all the reasons recorded above, we are of the view that such criminal prosecution should not be allowed to continue where the object to lodge the FIR is not for criminal prosecution and for punishing the offender for the offence committed but for recovery of money under coercion and

pressure and also for all the other reasons stipulated above.

17. We, accordingly allow this appeal, and after setting aside the impugned order passed by the High Court, quash the entire proceedings arising out of FIR 248 of 2022.

.....J.
(VIKRAM NATH)

.....J.
(SATISH CHANDRA SHARMA)

NEW DELHI
FEBRUARY 19, 2024