

REPORTABLE

Judgment reserved on: 24.07.2025

Judgment delivered on: 16.10.2025

HIGH COURT OF UTTARAKHAND AT NAINITAL

Criminal Misc. Application No.60 of 2015

(Under Section 482 of Cr.P.C)

Vinit Kumar Goel & another

--Applicants

Versus

State of Uttarakhand & another

--Respondents

Presence:-

Mr. Arvind Vashistha, learned Senior Advocate assisted by Mr. Sidhartha Sah, learned counsel for the applicants.

Mr. Vikash Uniyal, learned Brief Holder for the State.

Mr. Navneet Kaushik, learned counsel for respondent no.2.

Hon'ble Pankaj Purohit, J.

By means of present C482 application, applicants have put to challenge the judgment and order dated 04.03.2014 passed by learned Civil Judge (Jr. Division)/Judicial Magistrate, Narendra Nagar, Tehri Garhwal in Criminal Case No.369 of 2010, Samay Singh vs. Vinit Kumar Goel & another as well as the judgment and order dated 23.12.2014 passed by learned District and Sessions Judge, Tehri Garhwal in Criminal Revision No.29 of 2014, Vinit Kumar Goel & another vs. State of Uttarakhand & another and the entire proceedings of Criminal Complaint Case No.369 of 2010, Samay Singh vs. Vinit Kumar Goel.

2. The brief facts of the case are that an agreement was executed between Hindustan Petroleum Corporation Limited (HPCL) and respondent no. 2 on 01.03.2008 for the dealership of liquefied petroleum gas (LPG) within the distribution area of Narendra Nagar and a radius of 15 kilometres within District Tehri Garhwal. An appointment letter of the same date was issued by HPCL. The said agreement contained an arbitration clause. A routine inspection was conducted by the

Executive Sales Officer, Ghaziabad Sale Area, and Sales Officer, Indian Oil Corporation, Dehradun Sale Area, on 19 and 20 February 2009, during which various irregularities were detected. Consequently, a show cause notice dated 25.02.2009 was issued to respondent no. 2, calling for an explanation within fifteen days. The respondent submitted his reply dated 02.03.2009, and after due consideration, HPCL imposed a monetary penalty of Rs.3,52,000/- through order dated 13.05.2009. Aggrieved, the respondent preferred Writ Petition No. 770 (M/S) of 2009 before this Court, which was disposed of with directions to deposit the penalty amount. Subsequently, further inspections revealed additional irregularities, and a fresh show cause notice dated 28.11.2009 was issued. The respondent submitted a written reply dated 31.12.2009, upon which the Chief Regional Manager concluded that the conduct of the respondent no.2 amounted to violation of contractual and statutory obligations.

3. Accordingly, by order dated 12.04.2010, the sale and supply operations of M/s Dev Bhumi Gas Service were suspended. The respondent, being aggrieved, filed Writ Petition No. 530 (M/S) of 2010, which was dismissed by this Hon'ble Court vide order dated 16.04.2010, holding that an alternative remedy under the Arbitration and Conciliation Act, 1996 was available. Thereafter, the respondent no.2 preferred an application under Section 9 of the said Act before the District Judge, Ghaziabad, registered as Arbitration Case No. 213 of 2010, but failed to secure any interim relief. Thereafter, respondent no. 2 filed the present criminal complaint before the learned Judicial Magistrate, Narendra Nagar, District Tehri Garhwal, levelling

allegations of forgery and manipulation of documents. The applicants contend that the complaint is frivolous, motivated, and filed solely to obstruct the lawful discharge of official duties by the HPCL officers. Hence, this C 482 application.

4. Learned counsel for the applicants submits that the disputes raised in the impugned complaint were already pending before the competent adjudicatory forum. By instituting the present complaint, respondent no. 2 has deliberately sought to give a criminal colour to what is essentially a civil dispute, in order to exert undue pressure upon the applicants. It is further submitted that respondent no. 2 himself has, in clear terms, admitted that the contents of the documents in question were never altered. His allegations are confined only to the endorsement on one document and the endorsement of the blind carbon copy (BCC) on another, which were allegedly removed and added, respectively. A careful reading of the complaint demonstrates that the endorsement in question was made by the respondent himself in the copy of applicant no. 2, while the original document without any endorsement continues to remain in his own possession.

5. Learned counsel further submits that, having failed to pressurize the applicants despite filing two successive fabricated criminal cases, the respondent has now instituted the present complaint with allegations of forgery of two documents, purportedly to cause him loss. It is contended that the communication dated 10.11.2009, relied upon by the complainant, was duly authored and dispatched by Shri Jai Prakash, informing respondent no. 2 about the proposed inspection at

Narendra Nagar. The applicants have neither altered nor fabricated the said letter, which itself establishes that the respondent no.2 had knowledge of the inspection process. Once the communication had been issued and duly received by the respondent no.2, any subsequent addition, alteration, or endorsement made thereafter is attributable solely to the respondent no.2 himself. Hence, no offence under Sections 463, 464, 467, 468, 469 or 471 of the Indian Penal Code can be said to be made out.

6. It is also argued by the learned counsel for the applicants that the alleged insertions in document 20Ka/16 merely pertain to an internal BCC communication issued to inform concerned HPCL departments about administrative action against the distributor. Such internal correspondence forms part of routine corporate functioning and cannot, by any stretch, amount to falsification or forgery of official records.

7. The learned counsel for the applicants also submits that respondent no. 2, having failed to obtain any relief in civil proceedings, has resorted to filing frivolous and vexatious criminal complaints with the sole intention of harassing the applicants. The present complaint is the third in a series of such litigations, devoid of substance and based on misconceived facts. The learned counsel also placed reliance in the case of **Bhajan Lal vs State of Haryana 1992 Supp (1) 335**, wherein the Hon'ble Apex Court also held that where a criminal proceeding is manifestly attended with malafide and/or where the proceedings maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge and therefore is a fit case for the exercise of

inherent power of this Hon'ble Court under section 482 CrPC. In support of this contention, it is further submitted by the learned counsel that Section 482 CrPC is designed as a 'safety valve' to prevent the misuse of the criminal justice system. Reliance is placed on **Pepsi Foods Ltd. v. Special Judicial Magistrate, (1998) 5 SCC 749**, wherein the Hon'ble Apex Court observed that the summoning of an accused in a criminal case is a serious matter, and that the Magistrate must apply his mind before issuing such summons. Similarly, in **G. Sagar Suri v. State of U.P., (2000) 2 SCC 636**, the Court cautioned against the abuse of criminal proceedings to pressurize or harass individuals, stating that such misuse of process should be checked by the High Court in exercise of its inherent jurisdiction. Learned counsel further relies on **Vivek D Wakechaure vs State of U.P. & Another, 2024 SCC Online All 1095**. In that case, the High Court quashed criminal proceedings where the allegations were based on administrative notings and internal endorsements connected to a dealership agreement, similar to the facts of the present case. The Court held that no prima facie offence of forgery or falsification was made out, and the complaint was an abuse of the criminal process aimed at harassment. These decisions underscore that criminal law should not be permitted to degenerate into a weapon of oppression or to settle civil disputes under the guise of penal action. The impugned summoning order thus reflects a clear case of non-application of judicial mind, as the learned Magistrate failed to examine the essential ingredients of the alleged offences before taking cognizance. Accordingly, the same deserves to be quashed.

8. Per contra, the learned counsel for the State submits that the learned Judicial Magistrate, after due consideration of the material placed on record, found sufficient prima facie grounds to proceed and accordingly took cognizance of the case and summoned the applicants. It is contended that the impugned order does not suffer from any illegality or irregularity warranting interference under section 482 CrPC.

9. The learned counsel for respondent no. 2 by means of their counter affidavit contends that the impugned criminal complaint is not a mere extension of civil proceedings but arises out of clear acts of forgery and fabrication committed by the applicants. It is submitted that a stock reconciliation and refill audit conducted on 11.11.2009 found no discrepancy in the respondent's stock, which contradicts the foundation of the show cause notice dated 28.11.2009. This, according to the respondent, establishes that the said notice was based on factually incorrect and manipulated data. Further, it is alleged that two documents enclosed with the show cause notice, a letter dated 11.11.2009 and an inspection report of the same date, were forged documents, deliberately manufactured to falsely implicate the respondent. Another significant contention raised is that the suspension letter dated 12.04.2010, originally served upon the respondent, did not contain any text after the signature of applicant no. 1, whereas the version produced before this Court in Criminal Misc. Case No. 604 of 2010 contained eleven additional lines, which were allegedly inserted later to justify the suspension and shield the applicants from legal scrutiny. It is submitted that these acts fall squarely within the purview of Sections 417, 418, 467, 471 and 120-B IPC,

and cannot be trivialized as routine administrative irregularities.

10. The learned counsel further points out that this Hon'ble Court, by order dated 05.08.2013, had earlier remanded the complaint to the Judicial Magistrate, who, after directing an inquiry, found merit in the respondent's allegations. Based on the SI's report, which concluded that a clear case of cheating, forgery, and document manipulation was made out, the learned Magistrate took cognizance and summoned the applicants vide order dated 04.03.2014. The respondent clarifies that the complaint forming the subject matter of Case No. 369/2010, relating to an earlier imposition of monetary penalty, is distinct and unrelated to the present case. It is further argued that the applicants have not demonstrated that any alleged endorsement on the letter dated 10.11.2009 was removed by the respondent, a fact also noted by the Magistrate. The respondent maintains that the disputed 11 lines in the suspension letter were never served upon him, reinforcing the claim of deliberate fabrication by the applicants to give an air of legality to their action. Thus, the complaint cannot be dismissed as frivolous or civil in nature, and contains sufficient ingredients to attract criminal liability.

11. In response, learned counsel for the applicants, through a rejoinder affidavit, contends that the entire narrative built by the respondent is concocted, and merely a tactic to pressurize the applicants after failing to secure relief in civil and arbitral forums. It is submitted that on 10.11.2009, the respondent refused to cooperate with the inspection team, in clear violation of the dealership agreement and the Marketing Discipline Guidelines, and this itself formed a legitimate ground for

subsequent action. Regarding the allegation of insertion of eleven lines in the suspension letter dated 12.04.2010, it is submitted that such additions formed part of internal communications or blind carbon copies (BCC) meant for departmental circulation, and were not part of the official letter served upon the respondent. These notings, even if present in internal copies, cannot be equated with forgery or fabrication.

12. It is further contended that the SI's report, relied upon by the respondent, is unreliable and exceeds the SI's mandate, as it draws legal conclusions beyond his competence. The applicants assert that the SI's findings appear to be one-sided, likely influenced by the respondent, and thus do not merit judicial reliance. The learned counsel submits that the respondent has a history of filing frivolous complaints, including multiple proceedings against the applicants which have been decided against him. Additionally, the disputes raised are already sub judice in arbitration proceedings, and the criminal justice system is being misused to overreach pending civil adjudication. The reasoning adopted by the trial court and revisional court is termed as erroneous and legally unsustainable, especially in light of the settled legal principles governing the exercise of inherent powers under Section 482 CrPC.

13. Having heard the learned counsel for all the parties and after perusal of material on record and going through detailed sequence of facts and circumstances, this Court is of the considered opinion that the continuance of the criminal proceedings arising out of the complaint filed by respondent no. 2 would amount to a sheer abuse of the process of law. The record unmistakably reveals that the dispute is rooted in a

contractual relationship and has already been subjected to adjudication through appropriate civil remedies, including writ petitions and arbitration proceedings. The attempt to invoke criminal jurisdiction, especially after failure to secure relief in civil forums, is clearly motivated by mala fides and appears to be intended to harass and pressurize the applicants. Further, no *prima facie* case disclosing the essential ingredients of the alleged offences under Sections 417, 418, 468, 471, and 120-B IPC is made out from the complaint or accompanying materials. The allegations, even if taken at face value, pertain only to minor endorsements and internal notings that do not amount to fabrication or falsification in the legal sense, nor is there any discernible intent to deceive, cause wrongful gain or wrongful loss.

14. This Court finds apt guidance in the celebrated judgment of the Hon'ble Supreme Court in **State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335**, where at paragraph 102, the Court laid down certain illustrative categories in which the inherent power under Section 482 CrPC may be exercised to prevent abuse of process or to secure the ends of justice. The relevant portion is extracted hereinbelow:

“102. In the backdrop of the interpretation of the various relevant provisions of the Code under Chapter XIV and of the principles of law enunciated by this Court in a series of decisions relating to the exercise of the extraordinary power under Article 226 or the inherent powers under Section 482 of the Code which we have extracted and reproduced above, we have given the following categories of cases by way of illustration wherein such power could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice, though it may not be possible to lay down any precise, clearly defined and sufficiently channelised and inflexible guidelines or rigid formulae and to give an exhaustive list of myriad kinds of cases wherein such power should be exercised.

(1) Where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the

accused.

(2) Where the allegations in the first information report and other materials, if any, accompanying the FIR do not disclose a cognizable offence, justifying an investigation by police officers under Section 156(1) of the Code except under an order of a Magistrate within the purview of Section 155(2) of the Code.

(3) Where the uncontroverted allegations made in the FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence and make out a case against the accused.

(4) Where, the allegations in the FIR do not constitute a cognizable offence but constitute only a non-cognizable offence, no investigation is permitted by a police officer without an order of a Magistrate as contemplated under Section 155(2) of the Code.

(5) Where the allegations made in the FIR or complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused.

(6) Where there is an express legal bar engrafted in any of the provisions of the Code or the concerned Act (under which a criminal proceeding is instituted) to the institution and continuance of the proceedings and/or where there is a specific provision in the Code or the concerned Act, providing efficacious redress for the grievance of the aggrieved party.

(7) Where a criminal proceeding is manifestly attended with mala fide and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.”

15. On a plain application of the above principles, the present case squarely falls within **illustrative categories (1), (3), (5), and (7)** as outlined in *Bhajan Lal*. The decision in *Vivek D Wakechaure* (supra) further supports the present view. In a comparable factual matrix involving allegations related to internal endorsements and administrative notings under a contractual dealership, the Allahabad High Court quashed the criminal proceedings on grounds of no prima facie offence and abuse of process. This precedent reinforces the conclusion that the impugned summoning order in this matter cannot be sustained. The complaint does not prima facie disclose any offence, the allegations

are inherently improbable, and the criminal proceedings appear to be instigated with a collateral purpose to cause difficulties to the applicants after having failed in civil law remedies. Therefore, permitting the continuation of such proceedings would result in grave injustice and unnecessary harassment to the applicants who appear to have acted in the bona fide discharge of their official duties.

16. Accordingly, this C482 application is allowed. Consequently, the judgment and order dated 04.03.2014 passed by learned Civil Judge (Jr. Division)/Judicial Magistrate, Narendra Nagar, Tehri Garhwal in Criminal Case No.369 of 2010, *Samay Singh vs. Vinit Kumar Goel & another* as well as the judgment and order dated 23.12.2014 passed by learned District and Sessions Judge, Tehri Garhwal in Criminal Revision No.29 of 2014, *Vinit Kumar Goel & another vs. State of Uttarakhand & another* are hereby quashed alongwith the entire proceedings of the aforesaid Criminal Case No.369 of 2010.

17. Pending application, if any, stands disposed of accordingly.

(Pankaj Purohit, J.)
16.10.2025

AK