# IPC Section 210: Fraudulently obtaining decree for sum not due.

## IPC Section 210: Fraudulently Obtaining Decree for Sum Not Due - A Detailed Analysis  
  
Section 210 of the Indian Penal Code (IPC) addresses the act of fraudulently obtaining a court decree for a sum not genuinely owed. This section complements Section 208, which focuses on fraudulently \*suffering\* a decree, by targeting the active pursuit and procurement of such a decree. It aims to protect individuals from being victimized by fraudulent lawsuits and maintains the integrity of the judicial process by penalizing those who exploit it for dishonest gain.  
  
\*\*The precise wording of Section 210 is as follows:\*\*  
  
"Whoever fraudulently obtains a decree or order against any person for a sum not due, or causes such a decree or order to be so obtained, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both."  
  
\*\*Breaking down the elements of the offense:\*\*  
  
1. \*\*Fraudulently Obtains a Decree or Order:\*\* This element emphasizes the active and deceitful pursuit of the decree. The individual must engage in fraudulent conduct to procure the decree, knowing that they are not entitled to the claimed sum. This could involve presenting false evidence, making misrepresentations to the court, or colluding with witnesses.  
  
2. \*\*Against Any Person:\*\* The decree or order must be obtained against another person, highlighting the element of causing harm or loss to someone else through the fraudulent decree. This distinguishes it from Section 208, where the decree is obtained against oneself.  
  
3. \*\*For a Sum Not Due:\*\* The decree must be for an amount that the defendant genuinely does not owe. This is the core element of the fraud. The section doesn't apply if the debt is legitimate, even if there's a dispute about the exact amount. The focus is on the falsity of the claimed debt.  
  
4. \*\*Causes Such a Decree or Order to be so Obtained:\*\* This broadens the scope of the offense beyond directly obtaining the decree oneself. It covers situations where an individual instigates or facilitates the procurement of the fraudulent decree by another person. This could involve financing the lawsuit, providing false evidence, or influencing the plaintiff.  
  
  
\*\*Illustrative Examples:\*\*  
  
\* A person fabricates evidence of a loan agreement and files a lawsuit against someone they know does not owe them any money, fraudulently obtaining a decree for the fabricated loan amount.  
\* An individual encourages and assists a friend in filing a false lawsuit against a third party, providing them with fabricated evidence and coaching them on their testimony. The friend then obtains a decree based on this fraudulent information.  
\* A disgruntled business partner fabricates evidence of financial mismanagement against their partner and obtains a court order freezing their assets based on this false information.  
  
  
\*\*Distinguishing Section 210 from other related offenses:\*\*  
  
\* \*\*Section 208 (Fraudulently suffering decree for sum not due):\*\* While both sections deal with fraudulent decrees for sums not due, Section 208 focuses on passively allowing such a decree to be passed against oneself, while Section 210 targets the active pursuit and procurement of a decree against another person. These sections are distinct but can be complementary, with multiple individuals potentially liable under different sections in the same fraudulent scheme.  
  
\* \*\*Cheating (Section 415-420):\*\* Obtaining a fraudulent decree with the intention of causing wrongful loss to another person can also fall under the ambit of cheating. However, Section 210 specifically targets the fraudulent procurement of the decree itself, regardless of whether it results in actual financial loss.  
  
\* \*\*Fabricating false evidence (Sections 192-194) and Giving False Evidence (Sections 191-193):\*\* These offenses are often involved in fraudulently obtaining decrees. Presenting fabricated evidence or giving false testimony would be punishable under these sections in addition to Section 210, which focuses on the ultimate act of obtaining the fraudulent decree.  
  
  
  
\*\*Punishment:\*\*  
  
Section 210 prescribes a punishment of imprisonment of either description (rigorous or simple) for a term which may extend to two years, or with fine, or with both. The severity of the punishment depends on the amount involved in the fraudulent decree, the sophistication of the fraudulent scheme, the intent of the offender, and the impact on the victim.  
  
  
  
\*\*Significance of Section 210:\*\*  
  
Section 210 is crucial for maintaining the integrity of the judicial system and protecting individuals from being victimized by fraudulent lawsuits. By criminalizing the act of fraudulently obtaining decrees, it deters individuals from exploiting the legal system for personal gain through dishonest means. This ensures that court decrees are based on genuine legal obligations and prevents the misuse of judicial processes for fraudulent purposes. It reinforces public trust in the judiciary and upholds the principle that legal proceedings should be used to deliver justice, not to perpetrate fraud. The section provides a legal mechanism to hold accountable those who attempt to manipulate the courts for their own advantage and protects the interests of all stakeholders in legal proceedings. This contributes to a fair and equitable legal system that can effectively resolve genuine disputes and uphold the rule of law.