IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.677 of 2026

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1. Pratap Narayan Singh @ Rudrapratap Narayan Singh, S/o Late Prasiddha Narayan, age 69 years, r/o 15 Ka Cantonment, BO Banglava, PO Faizabad Cant. Sub Post Office & PS Ayodhya Cant. District- Faizabad, Uttar Pradesh.
2. Ranjeet Kaur, W/o Harjit Singh, aged 50 years, r/o A-961, Arjun Nagar, Lodhi Road, Central Delhi, PO Aliganj, Sub Post Office, PS Kotla Mubarakpur, Delhi, 110003.

… Petitioners

Versus

The State of Jharkhand … Opposite Party.

For the Petitioners : Mr. Vimal Kirti Singh, Advocate.
Mr. Ujjal Choudhury, Advocate.
Ms. Avantika Panwar, Advocate.
Mr. Raunak Sahay, Advocate.
Mr. Srikant Sahay, Advocate.
For the State : Mrs. Priya Shrestha, Spl.P.P.
For the Informant : Mr. Arpan Manjash Ekka, Advocate.
Mr. Amritansh Vats, Advocate.

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

By the Court:- **I.A. No.11517 of 2026**

Heard the parties.

Learned counsel for the petitioner submits that this interlocutory application has been filed for early hearing of this Criminal Miscellaneous Petition.

Since this criminal miscellaneous petition is taken up today, this interlocutory application is disposed of being infructuous.

(Anil Kumar Choudhary, J.)

Cr.M.P. No.677 of 2026

Heard the parties.

2. This Criminal Miscellaneous Petition has been filed invoking the jurisdiction of this Court under Section 528 of the B.N.S.S., 2023 with the prayer to quash and set aside the entire criminal proceeding in respect of the First Informant Report of Argora P.S. Case no. 199 of 2024 registered for the offences punishable under Sections 406, 420 and 120B of the Indian Penal Code which is pending in the Court of learned Judicial Magistrate, XIII, Ranchi.

3. The learned counsel for the petitioner submitted that the investigation of this case is still going on and charge-sheet has not been submitted as yet.

4. The allegation against the petitioner is that the petitioner no.1 is the Chairman and petitioner no.2 is the Secretary to the Chairman of the S.S.R. Medical College situated in Mauritius. The son of the informant namely Kairav Kirtne being allured by the advertisements of the said medical college, got himself admitted in the office of the said medical college situated at Delhi for the Session 2019-2024 for the Under-Graduate M.B.B.S course. The faculty and staff of the said medical college used to resort to hooting of Kairav Kirtne in the class rooms and during college examinations by adopting to wrongful means and by such acts of the faculty and staff, the study of Kairav Kirtne was affected. It is further alleged that in criminal conspiracy, the Chairman used to resort to hooting and insulting selected students by adopting several means. As a

pre-planned conspiracy, Kairav Kirtne was betrayed and cheated and on the basis of wrong premises Kairav Kirtne, was not permitted to appear in the pre-university and university examination of the said medical college by adoption of unfair means by the said college; even though 3,000/- US Dollars was taken for permitting him to appear in the said examination. Even after that he was declared fail in the pre-university exam. By this illegal act of the petitioners, five years of valuable time of Kairav Kirtne was wasted and his guardian was financially exploited and on the basis of wrongful information, the petitioners have till now been extorted to the tune of Rs.49,63,141/- and by wrongful tactics, the student Kairav Kirtne was forced to leave the college.

5. On the basis of the written report submitted by the informant, police registered Argora P.S. Case No. 199 of 2024 and took up the investigation of the case which is still going on.

6. The learned counsel for the petitioners relying upon the judgment of the Hon'ble Supreme Court of India in the case of ***Narayana Health and Others versus The State of West Bengal and Others*** reported in ***2026 SCC OnLine SC 844,*** submits that in the facts and circumstances of that case, where a complaint was filed alleging that the hospital had intentionally included charges for diagnostics test which has not been performed and the relevant medical documents were not supplied promptly and that certain hospital personnel behaved improperly and issued threats, when the complainant questioned the billing and sought clarification regarding the treatment records and on the basis of the allegations, *inter alia* the offences under Section 406, 420 and Section 120B

of the Indian Penal Code along with the other offences were invoked against the appellant before the Hon'ble Supreme Court of India; including the Chairman of the hospital and the representative attached to the hospital and the employees of the hospital, the Hon'ble Supreme Court of India observed in Para-11 to 13 of the said judgment as under:-

> *"11. The complainant alleged commission of offences under Sections 405, 420 and 120B, IPC in his complaint. For criminal breach of trust under Section 405, IPC, it is necessary that there must be entrustment of property to the accused; such entrustment must create a fiduciary obligation regarding the handling or use of that property; and the accused must have dishonestly misappropriated or converted the entrusted property. Applying these principles to the present case, the allegations in the complaint indicate that the amount of Rs. 2,500/- was paid by the complainant as part of the hospital bill towards charges for an HRCT test, at the time of discharge of the patient. The complaint does not contain any averment that the amount in question was entrusted to the hospital to be held or utilised for a fiduciary or trust-based purpose, nor does it refer to any legal or contractual stipulation governing the manner in which such amount was required to be dealt with or any other averment to show as to how Section 405, IPC is made out. Furthermore, upon mistake being pointed out, the hospital had offered to refund the amount wrongly charged. Thus, in the absence of entrustment, dishonest misappropriation, or violation of a fiduciary obligation, foundational ingredients of the offence of criminal breach of trust as enshrined in Section 405, IPC are not satisfied.*
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> *12. For the offence of cheating under Section 420, IPC there must be deception on part of the accused from the very beginning; such deception must lead to fraudulent or dishonest inducement; and the accused must have had dishonest intention at the time the inducement was made. The allegation in the complaint is merely that the bill issued by the hospital reflected charge for a test that was not performed. Once the issue of wrong charge was raised by the complainant, the hospital communicated its decision to refund the amount. The discrepancy in billing appears to be more of an inadvertence, than a case of dishonest intention on part of the hospital. We are of the opinion that the allegation of cheating is completely misplaced.*
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> *13. For the offence of criminal conspiracy under Section 120B, IPC there must be a prior agreement or meeting of minds for commission of an illegal act or a lawful act by illegal means. Moreover, where the foundational offences are not disclosed, a charge of conspiracy premised upon those offences ordinarily cannot stand independently. Since the allegations regarding offences of criminal breach of trust and cheating are virtually non-existent, the incidental allegation of criminal conspiracy is unsustainable. Furthermore, the complaint named not just the hospital and its staff but also the corporate entity running it and its*

> *Chairman. There is nothing in the complaint indicating a prior agreement, concerted plan, or meeting of minds among the accused persons to commit an unlawful act."*

And held that in this case, in the absence of any allegation of entrustment of any property or dishonest misappropriation of any entrusted property by the petitioners, the offence punishable under Section 406 of the Indian penal Code is not made out. It is next submitted that in the absence of any allegation of deception having been played by the petitioners since the beginning of the transaction between the parties, the offence punishable under Section 420 of the Indian Penal Code is not made out and it is next submitted that as neither the offence punishable under Section 406 nor the offence punishable under Section 420 of the Indian Penal Code is made out, obviously, the offence punishable under Section 120B of the I.P.C. is also not made out.

7. It is further submitted by the learned counsel for the petitioners that the allegation against the petitioners is false. The Office at Delhi of S.S.R. Medical College of Mauritius is just a liasoning office which authority has been granted by Reserve Bank of India under Foreign Exchange Regulation Act, 1973. It is next submitted that the son of the informant voluntarily took admission in the said S.S.R. Medical College thus, there is no inducement by either of the petitioners or anyone else on either of the informant or his son in the matter of admission of son of the informant in the said college. It is next submitted that the payments were directly made in the bank account of the trust which runs the said medical college in Mauritius namely IOMIT S.S.R. Medical College and not even a single penny was transferred to the bank account of the petitioners or paid in

cash. It is next submitted that the informant has suppressed the material facts in the First Information Report that he has given an undertaking in the college and his consent that any dispute arising in admission process will be subject to jurisdiction of the Supreme Court of Mauritius and such undertaking/agreement with the S.S.R. Medical College, Mauritius was made out of his own will and without any undue influence. It is next submitted that the student – Kairav Kirtne after pursuing his studies for a period approximately 4.5 years voluntarily discontinued the course despite still having two remaining opportunities to clear the university examination. During the period, his academic attendance record remained unsatisfactory, his physical class attendance was only 46% as against the mandatory requirement of 80%. In internal assessment, he secured merely 2 and 1 marks out of the required 15 marks in the subject of Anatomy and Physiology and Biochemistry. It is further submitted that the said Kairav Kirten never appeared nor completed the university examinations conducted from June, 2020 onwards including those held in May 2021-November, 2021 despite having paid tuition fees only for the first academic year at that time. Mr. Kairav Kirten also remained absent from the counselling Sessions conducted in 27.07.2021 to 28.02.2022 which was specifically organized for students who were critically irregular, non-serious and repeatedly under-performing and ultimately voluntarily withdrew from the course vide his letter dated 09.09.2023. It is next submitted that the informant has also suppressed the fact that his legal notice dated 21.06.2024 has been duly and comprehensively replied to by

the petitioners, the copy of which has been annexed as Annexure-05 series of this criminal miscellaneous petition.

8. It is next submitted that this First Information Report has been filed for the purpose of wrecking vengeance to get rid of balance dues of 16,000 US Dollars to be paid to the S.S.R. Medical College, Mauritius against the fees which was demanded by the college from the son of the informant by notice dated 08.07.2024. It is next submitted that the son of the informant was the only students who failed out of the 35 Indian students in his batch. Hence, it is submitted that the prayer as prayed for in this Cr.M.P. be allowed.

9. The learned Special Public Prosecutor as well as learned counsel for the informant on the other hand vehemently oppose the prayer and it is submitted by the learned counsel for the informant that if the allegations made against the petitioners are considered to be true in their entirety, then both the offences punishable under Sections 406, 420 of the Indian Penal Code is made out against the petitioners. Hence, it is submitted that this Cr.M.P. being without any merit be dismissed.

10. Having heard the rival submissions made at the Bar and after carefully going through the materials available in the record, it is pertinent to mention here that so far as the offence punishable under Section 420 of the Indian Penal Code is concerned, the essential ingredients to constitute the said offence are: -

> *(a) Deceit, that is to say dishonest or fraudulent misrepresentation; and*
> *(b) Inducing the person deceived to part with property;*

as has been reiterated by the Hon'ble Supreme Court of India in the case of ***Ram Narayan Popli vs. Central Bureau of Investigation*** reported in ***(2003) 3 SCC 641***.

11. Now coming to the facts of the case, there is no allegation against the petitioners that they ever came in one-to-one contact with the informant or his son. Nor there is any allegation that they deceived the informant or his son in parting with any property with anyone. There is no allegation against the petitioners that they have played deception since the beginning of the transaction between the parties. It is a settled principle of law as has been reiterated by the Hon'ble Supreme Court of India in the case of **Uma Shankar Gopalika vs. State of Bihar & Another** reported in **(2005) 10 SCC 336** paragraph-6 of which reads as under:-

> *6. "Xxxx xxxx xxxx It is well settled that every breach of contract would not give rise to an offence of cheating and only in those cases breach of contract would amount to cheating where there was any deception played at the very inception. If the intention to cheat has developed later on, the same cannot amount to cheating. In the present case it has nowhere been stated that at the very inception there was any intention on behalf of the accused persons to cheat which is a condition precedent for an offence under Section 420 IPC." (Emphasis supplied)*

that in order to constitute the offence of cheating, the accused must play deception since the beginning of the transaction between the parties and if the intention to cheat develops later on, the same will not amount to cheating.

12. The undisputed fact remains that the son of the informant was pursuing his studies in S.S.R. Medical College at Mauritius for about 4.5 years. So, under such circumstances, this Court is of considered view that there is no allegation against the petitioners of playing deception since the

beginning of the transaction between the parties and in absence of this essential ingredients, this court is of the considered view that even if the entire allegation made against the petitioners are considered to be true in their entirety, still the offence punishable under Section 420 of the Indian Penal Code is not made out.

13. So far as the offence punishable under Section 406 of the Indian Penal Code is concerned, the essential ingredients to constitute the offence are as under: -

(i) There must be an entrustment and,

(ii) There must be misappropriation or conversion to one's own use, or use in violation of a legal direction or of any legal contract.

as has been reiterated by the Hon'ble Supreme Court of India in the case of ***Ram Narayan Popli vs. Central Bureau of Investigation*** reported in ***(2003) 3 SCC 641***.

14. Now, coming to the facts of the case, the only allegation against the petitioners so far as monetary transaction is concerned, that the informant and his son paid the fees of the college concerned. Such payments are standard financial or contractual transactions, but to constitute 'entrusted' as word used in Section 405 of the Indian Penal Code, the punishment for breach of which has been provided for in Section 406 of the Indian Penal Code; the requirement is of handing over the property or money to someone to hold as a trustee, for a specific restricted purpose, where the ownership remains with the giver. Therefore, in the considered opinion of this Court, the payment of fees of a medical college by a student or his guardian/parents cannot be termed as the "Entrusted" as word has been

used in Section 405 of the Indian Penal Code and in absence of any allegation of entrustment or dishonest misappropriation of any entrusted property; in considered opinion of this Court, even if the entire allegation made against the petitioners are considered to be true in their entirety, still the offence punishable under Section 406 of the Indian Penal Code is not made out against the petitioners.

15. As neither the offence punishable under Section 406 nor the offence punishable under Section 420 of the Indian Penal Code is made out, so obviously, the question of any meeting of mind for any offence does not arrive. Resultantly, the offence punishable under Section 120 B of the Indian Penal Code also is not made out, even if the entire allegations made against the petitioners are considered to be true in their entirety.

16. In view of discussion made above, as none of the offences of which the F.I.R. of Argora P.S. Case No. 199 of 2024 has been registered, is made out against the petitioners, even if the entire allegations made against the petitioners are considered to be true in their entirety, in the considered opinion of this Court, the continuation of the criminal proceeding against the petitioners will amount to abuse of process of law. Therefore, this is a fit case where the entire criminal proceeding in respect of the First Informant Report of Argora P.S. Case no. 199 of 2024 registered for the offences punishable under Sections 406, 420 and 120B of the Indian Penal Code which is pending in the Court of learned Judicial Magistrate, XIII, Ranchi, is to be quashed and set aside against the petitioners.

17. Accordingly, the entire criminal proceeding in respect of the First Informant Report of Argora P.S. Case no. 199 of 2024 registered for the

offences punishable under Sections 406, 420 and 120B of the Indian Penal Code which is pending in the Court of learned Judicial Magistrate, XIII, Ranchi, quashed and set aside against the petitioners.

18. In the result, this Cr.M.P., is **allowed**.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 20th August, 2026
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