IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.1320 of 2019

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1. Upendra Kumar Singh, aged about 65 years, son of Ram Ballav Singh
2. Shanti Devi @ Gayanti Devi, aged about 60 years, wife of Upendra Singh
3. Sweta Kumar, aged about 28 years, W/o Atul Kumar
4. Vinita Kumari, aged about 28 years, W/o Sanjay Singh
5. Aditya Singh aged about 29 years, son of Upendra Kumar Singh.

All resident of Village: Chittornagar, Nea Area, Aurgangabad, P.O. and P.S: and Dist: Aurangabad, Bihar.

… Petitioners

Versus

1. The State of Jharkhand
2. Ranjana Singh, D/o Kailash Singh, resident of S. P. Kothi Road, Abadganj, P.O. & P.S: Daltonganj, Dist: Daltonganj

… Opposite Parties

For the Petitioners : Mr. Mahesh Tewari, Advocate
For the State : Mr. Azeemuddin, Addl. P.P.
For the O.P. No.2 : Mr. Abhay Kr. Chaturvedy, Advocate

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

By the Court:- Heard the parties.

2. This Criminal Miscellaneous Petition has been filed invoking the jurisdiction of this Court under Section 482 of the Code of Criminal Procedure, 1973 with the prayer to quash the entire criminal proceeding of Mahila (Palamau) P.S. Case No.40 of 2017 corresponding to G.R. No.1951 of 2017 including the order dated 26.11.2018 passed by the learned Chief Judicial Magistrate, Palamau at Daltonganj whereby and

where under the learned Chief Judicial Magistrate, Palamau at Daltonganj has taken cognizance of the offence punishable under Section 498A of the Indian Penal Code basing upon the charge-sheet submitted by the police.

3. The petitioners, for the reasons best known them, have not filed the copy of the charge-sheet basing upon which the said cognizance order has been passed.

4. On being asked by the Court as to how many witnesses have been examined during the trial of the case, learned counsel for the petitioners submits that the petitioners have no idea as to how may witnesses have been examined during the trial.

5. The allegation against the petitioners is that the petitioner No.1 being the father-in-law, petitioner No.2 being the mother-in-law, petitioner Nos.3 and 4 being the sister-in-law (Nanad) and petitioner No.5 being the brother-in-law (Devar) of the informant, treated the informant with cruelty by harassing her; by taunting her that the articles given to her at the time of her marriage were of poor quality and for the purpose of coercing the informant to bring a car or in lieu thereof, Rs.8,00,000/- in cash from her father, as a manner of harassment for coercing the informant to meet the said unlawful demand of the petitioners, the petitioners used to abuse her and taunt her. The informant was not provided any treatment for 4-5 days even after she became ill and only after 4-5 days of illness medicine was

given to her, that too such medicine which only made her drowsy and when the informant refused to take the medicine, she was assaulted.

6. Learned counsel for the petitioners relies upon the judgment of the Hon'ble Supreme Court of India in the case of **Kahkashan Kausar @ Sonam & Others vs. State of Bihar & Others** reported in **Criminal Appeal No.195 of 2022** dated 08.02.2022 wherein in the facts of that case where there was a second F.I.R. and the allegations made in the complaint was that all the accused persons harassed the complainant mentally and treated her of terminating her pregnancy, in the facts of that case, the Hon'ble Supreme Court of India has quashed the F.I.R. of that case.

7. Learned counsel for the petitioners next relies upon the judgment of the Hon'ble Supreme Court of India in the case of **Geeta Mehrotra & Another vs. State of U.P. & Another** passed in **Criminal Appeal No.1674 of 2012** dated 17.10.2012 and submits that in that case the Hon'ble Supreme Court of India relied upon its own judgment in the case of **G. V. Rap vs. L. H. V. Prasad & Others** reported in **(2000) 3 SCC 693** wherein the Hon'ble Supreme Court of India has taken note of an outburst of matrimonial dispute.

8. Learned counsel for the petitioners further relies upon the judgment of the Hon'ble Supreme Court of India in the case of **Sekaran vs. The State of Tamil Nadu** reported in **2023 INSC 1062** wherein in the facts of that case where there was no satisfactory explanation for the belated registration of the First Information Report, the Hon'ble

Supreme Court of India has observed that a realistic and pragmatic approach has to be adopted, keeping in mind the peculiarities of each particular case, to assess whether the unexplained delay in lodging the F.I.R. is an afterthought to give a coloured version of the incident, which is sufficient to corrode the credibility of the prosecution version. Such observation was made in the facts of that case where the offence involved in that case was punishable under Section 304-Part II of the Indian Penal Code.

9. Learned counsel for the petitioners submits that the allegations against the petitioners are false. It is next submitted that the informant hardly stayed at her matrimonial house and she remained with her husband at Durgapur or Patna or at her maternal house at Palamau. It is further submitted that the informant herself does not want to stay with her husband and as such she on her own volition, has left her matrimonial home. It is also submitted that even if the entire allegations made against the petitioners are considered to be true in their entirety, still the offence punishable under Section 498A of the Indian Penal Code is not made out against the petitioners. Hence, it is submitted that the prayer, as prayed for in the instant Cr.M.P., be allowed.

10. Learned Addl. P. P. appearing for the State and the learned counsel for the opposite party No.2 on the other hand vehemently oppose the prayer of the petitioners made in the instant Cr.M.P. and submit that the petitioners have not come to this Court with clean hands; by suppressing the charge-sheet, the perusal of which will make

it abundantly clear that after investigation of the case, police has found sufficient materials against all the petitioners for having committed the offence punishable under Section 498A of the Indian Penal Code. It is next submitted that the offences punishable under Section 4 of the Dowry Prohibition Act is also made out against all the petitioners. It is further submitted that the petitioners have also suppressed the fact that in the meanwhile charge has already been framed and the petitioners know pretty well that there is no illegality in the charge framed against them so, they have not dared to challenge the charge framed against them by the trial court. It is further submitted that the F.I.R. is not the encyclopaedia of the prosecution case and as during the investigation of the case, police found overwhelming evidence regarding the culpability of each of the petitioners in the offence concerned and basing upon the materials collected during the investigation of the case, submitted charge-sheet against the petitioners, hence, it is submitted that this Cr.M.P., being without any merit, be dismissed.

11. 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 the F.I.R. is not the encyclopaedia of the prosecution case. The petitioners, for the reasons best known to them, have withheld the certified copy of the charge-sheet from this Court knowing pretty well that charge-sheet has already been submitted against them. The undisputed fact remains that charges have already been framed against the petitioners but the petitioners, for the reasons

best known to them, have not challenged the charge framed against them.

12. Now, coming to the facts of the case; so far as the delay in lodging the F.I.R. is concerned, the undisputed fact remains that the complainant was driven out from her matrimonial house only on 20.08.2017 at Patna. The F.I.R. was lodged on 02.09.2017 at Palamau. Under such circumstances, the delay of about 12 days, in the considered opinion of this Court is not fatal for the case of the prosecution keeping in view the nature of allegations against the petitioners and the cruelty with which the informant was treated with.

13. So far as the contention of the petitioners that they resided with the informant only for a few days is concerned, the same is a defence of the petitioners. It is a settled principle of law that the defence of an accused person of the case and the veracity of the evidence put forth by the accused cannot be considered in exercise of the power under Section 482 of the Code of Criminal Procedure, 1973 by the High Court as that would be the job of the trial court as has been held by the Hon'ble Supreme Court of India in the case of **State of Madhya Pradesh vs. Awadh Kishore Gupta & Others** reported in **2004 2 Supreme 501.**

14. It is also a settled principle of law that no mini trial can be conducted by the High Court in exercise of the power under Section 482 of Code of Criminal Procedure to get into the appreciation of the evidence of the particular case as has been reiterated by the Hon'ble Supreme Court of India in the case of **State of Uttar Pradesh & Another**

vs. Akhil Sharda & Others reported in **2022 SCC OnLine SC 820** relevant portion of which reads as under:-

> *"Having gone through the impugned judgment and order passed by the High court has set aside the criminal proceedings in exercise of powers under Section 482 CrPC, it appears that the High Court has virtually conducted a mini trial, which as such is not permissible at this stage and while deciding the application under Section 482CrPC. As observed and held by this court in a catena of decisions, no mini trial can be conducted by the High Court in exercise of power under Section 482CrPC, jurisdiction and at the stage of deciding the application under Section 482CrPC, the High Court cannot get into appreciation of evidence of the particular case being considering." (Emphasis supplied)*

15. In view of the discussions made above, this Court is of the considered view that considering the fact that though charge has already been framed against the petitioners but the same is not under challenge and the allegations made against the petitioners which culminated in the charge-sheet, which has been withheld from the Court and the materials that are available in the record, this Court is of the considered view that this is not a fit case where the prayer prayed for by the petitioners in the instant Cr.M.P. is to be acceded to in exercise of the power of this Court under Section 482 of the Code of Criminal Procedure, 1973.

16. Accordingly, this Cr.M.P., being without any merit, is dismissed.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 20th of December, 2025
AFR/ Animesh
Uploaded on- 05/01/2026