**IN THE HIGH COURT OF JHARKHAND AT RANCHI**
**Cr.M.P. No. 173 of 2024**

1. Prakash Kumar @ Om Prakash Singh, aged about 58 years, son of late Ram Narayan Singh, resident of Reveat Colony, P.O. & P.S.-M.G.M., Town Jamshedpur, Dist.-Singhbhum East
2. Ras Bihari Mandal, aged about 48 years, son of late D.P. Mandal, resident of Paridih, P.O. & P.S.-Mango, Town-Jamshedpur, Dist.-Singhbhum East

.... Petitioners

Versus

1. The State of Jharkhand
2. Smt. Anuradha Choudhary, wife of Sri Partho Choudhury resident of H.No.3, Ashiana Residency Green, Pardih, P.O. & P.S.-Mango, Town-Jamshedpur, Dist.-Singhbhum East

…. Opp. Parties

**P R E S E N T**

**HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY**

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For the Petitioners : Mr. Praveen S. Dayal, Advocate
For the State : Mr. J.F. Toppo, G.A. V
For O.P. No.2 : Mr. Tejo Mistry, Advocate

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***By the Court:-***

1. Heard the parties.

2. This criminal miscellaneous petition has been filed invoking the jurisdiction of this Court under Section 482 of Cr.P.C. with the prayer to quash the entire criminal proceeding and prosecution as well as the order dated 10.09.2017 passed in connection with C/1 Case No. 574 of 2017 by which the learned Judicial Magistrate 1st Class, Jamshedpur has found *prima facie* case for the offences punishable under Sections 323, 341, 406, 420 and 354/34 of the Indian Penal Code as also the order dated 22.05.2018 whereby and

where under, the name of the petitioner no.1 has been allowed to be added as an accused by way of correction of the earlier accused Prakash Sharma.

3. The allegation against the petitioners is that the petitioners in furtherance of common intention with the co-accused persons were occupying the land bearing plot no. 339 which was earlier taken on rent by the complainant by claiming that the said plot in fact bears plot no. 270. It is further alleged that on 19.08.2016 the petitioners stopped the car of the complainant, entered into the same and misbehaved with her and threatened her.

4. The complainant first lodged Mango P.S. Case No. 317 of 2016 in which police after investigation of the case submitted final form and did not send up the petitioners for trial because of lack of evidence.

5. After submission of final form, the informant filed protest petition and on the basis of protest petition, statement of the complainant on solemn affirmation and the statement of the inquiry witnesses, the learned Judicial Magistrate 1st Class, Jamshedpur has found *prima facie* case as already indicated above.

6. It is submitted by the learned counsel for the petitioners that the allegations against the petitioners are all false. It is next submitted by the learned counsel for the petitioners by drawing attention of this Court to the judgment dated 18.01.2023 passed in Cr.M.P. No. 824 of 2018 that the coordinate Bench of this Court has quashed the entire criminal proceeding in respect of similarly placed co-

accused person namely Prabhash Kumar @ Prabhash Sharma. It is lastly submitted that even if the entire allegations made against the petitioners are considered to be true in their entirety, still none of the offences in respect of which *prima facie* is found by the learned Judicial Magistrate 1st Class, Jamshedpur is made out against the petitioners. Hence, it is submitted that the prayer as made in this criminal miscellaneous petition be allowed.

7. The learned counsel for the State and the learned counsel for the opposite party no.2 on the other hand vehemently opposes the prayer and submits that the materials in the record is sufficient to constitute each of the offences in respect of which *prima facie* case is found by the learned Judicial Magistrate 1st Class, Jamshedpur. Hence, it is submitted that this criminal miscellaneous petition being without any merit be dismissed.

8. Having heard the submissions made at the Bar and after going through the materials available in the record, this Court finds that there is absolutely no allegation against the petitioners of causing hurt to the complainant or anyone else and in the absence of the same, this Court has no hesitation in holding that even if the entire allegations made against the petitioners are considered to be true in its entirety, still the offence punishable under Section 323 of the Indian Penal Code is not made out.

9. So far as the offence punishable under Section 341 of the Indian Penal Code is concerned, it is pertinent to mention here that there is no allegation against the petitioners of wrongfully restraining

the complainant or anyone else and in the absence of the same, this Court is of the considered view that even if the entire allegations made against the petitioners are considered to be true in its entirety, still the offence punishable under Section 341 of the Indian Penal Code is not made out.

10. So far as the offence punishable under Section 406 of the Indian Penal Code is concerned, it is pertinent to mention here that there is absolutely no allegation against the petitioners of being entrusted with any property or dishonestly misappropriating any property and in the absence of the same, this Court has no hesitation in holding that even if the entire allegations made against the petitioners are considered to be true in its entirety, still the offence punishable under Section 406 of the Indian Penal Code is not made out.

11. So far as the offence punishable under Section 420 of the Indian Penal Code is concerned, there is absolutely no allegation against the petitioners that the petitioners deceived or dishonestly induced any person so deceived to part with any property. Hence, this Court is of the considered view that even if the entire allegations made against the petitioners are considered to be true in its entirety, still the offence punishable under Section 420 of the Indian Penal Code is also not made out.

12. So far as the offence punishable under Section 354 of the Indian Penal Code is concerned, the only allegation against the petitioners is that the petitioners misbehaved with the

complainant but there is no allegation of outraging the modesty of the complainant in any manner.

13. Under such circumstances, this Court is of the considered view that even if the entire allegations made against the petitioners are considered to be true in its entirety, still the offence punishable under Section 354 of the Indian Penal Code is not made out either.

14. In view of the discussions made above, as none of the offences in respect of which *prima facie* has been found is made out against the petitioners, therefore, continuation of the criminal proceeding against the petitioners will amount to abuse of process of law and this is a fit case where the entire criminal proceeding and prosecution as well as the subsequent orders dated 10.09.2017 and 22.05.2018 passed by the learned Judicial Magistrate 1st Class, Jamshedpur in connection with C/1 Case No. 574 of 2017 be quashed and set aside *qua* the petitioners.

15. Accordingly, the entire criminal proceeding and prosecution as well as the orders dated 10.09.2017 and 22.05.2018 passed by the learned Judicial Magistrate 1st Class, Jamshedpur in connection with C/1 Case No. 574 of 2017 is quashed and set aside *qua* the petitioners.

16. In the result, this criminal miscellaneous petition is allowed.

**(Anil Kumar Choudhary, J.)**

High Court of Jharkhand, Ranchi
Dated the 20th December, 2025
AFR/Sonu-Gunjan/-

Uploaded on ……/……/2026