IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No. 3591 of 2025

Mritunjay Kumar Jha, s/o late Sureshwar Jha, aged about 44 years, resident of H. No. 4, Block No. 36/1/4, Road No. 18, Adityapur, P.O. & P.S. –Adityapur, District –Seraikella-Kharsawan.

.... Petitioners

Versus

The State of Jharkhand …. Opp. Party

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

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For the Petitioner : Mr. Jitesh Kumar, Advocate
For the State : Mr. V.K. Vashistha, Spl. P.P.

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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 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 with the prayer to quash the FIR of Adityapur P.S. Case No. 217 of 2025 registered for the offences punishable under Section 316(2) & 318(4) of the B.N.S., 2023.

3. The allegation against the petitioner is that the mother of the petitioner entered into an agreement to sell her land to the informant and took advance of Rs.5,00,000/- but the informant later on decided not to purchase the said land and when the informant demanded back the said advance money, the mother of the petitioner told the informant to get her land sold to someone else and she will pay back the advance amount of Rs.5,00,000/-

after receiving the total consideration amount of the same and in this respect, the mother of the petitioner executed a power of attorney in favour of the informant, in which the petitioner was a witness. The informant sold the land of the mother of the petitioner to his own brother by virtue of exercise of the power given by the said registered power of attorney and paid the consideration amount of Rs.1,00,00,000/- to the mother of the petitioner and the mother of the petitioner returned Rs.15,00,000/- including Rs.10,00,000/- she took later on from the informant but later on the petitioner expressed his intention to first revoke the power of attorney and subsequently through his lawyer intimated that he want to continue the power of attorney and the petitioner also filed Original Suit No. 59 of 2024 against the informant and others in the court of Civil Judge (Sr. Div.)-I at Seraikella with the prayer for decree of partition claiming 1/7th share over the suit land. Apprehending that even though the registered power of attorney has lost the purpose for which the same was issued i.e. the sale deed of the concerned land of the mother of the petitioner which has already been made on 29.05.2019 but some conspiracy is being made by the petitioner, the informant lodged the F.I.R. and basing upon which, Adityapur P.S. Case No. 217 of 2025 has been registered.

4. It is submitted by the learned counsel for the petitioner that this Court has quashed the entire criminal proceeding against the co-accused persons being the mother and brother of the petitioner

vide judgment dated 04.11.2025 passed in Cr.M.P. No. 3102 of 2025 reported in **2025:JHHC:33717**. It is next submitted by the learned counsel for the petitioner that even if the entire allegations made against the petitioner in the F.I.R. are considered to be true in their entirety, still neither the offence punishable under Section 316(2) nor the offence punishable under Section 318(4) of the B.N.S., 2023 is made out against the petitioner. Therefore, it is submitted that the continuation of the criminal proceeding will amount to abuse of process of law. Hence, it is submitted that the prayer as prayed for in this criminal miscellaneous petition be allowed.

5. The learned Special Public Prosecutor on the other hand vehemently opposes the prayer made by the petitioner in this criminal miscellaneous petition but fairly submits that no offence is made out against the petitioner, even if the entire allegations made against the petitioner in the F.I.R. are considered to be true in their entirety.

6. Having heard the submissions made at the Bar and after going through the materials in the record, it is pertinent to mention here that admittedly the mother of the petitioner has paid back the advance amount, she has taken from the informant. An intimation to the informant, who is the power of attorney holder, for revoking the power of attorney, after the same has become infructuous, as in exercise of the said power of attorney, the informant has already sold the land through a sale deed, by itself

do not constitute either the offence punishable under Section 316(2) or the offence punishable under Section 318(4) of the B.N.S., 2023.

7. Under such circumstances, this Court is of the considered view that as neither of the offences in respect of which the F.I.R. has been registered is made out, even if the entire allegations made against the petitioner are considered to be true in their entirety, hence continuation of this criminal proceeding in connection with the F.I.R. of Adityapur P.S. Case No. 217 of 2025 against the petitioner will amount to abuse of process of law. Therefore, this is a fit case where the FIR of Adityapur P.S. Case No. 217 of 2025 registered for the offences punishable under Section 316(2) & 318(4) of the B.N.S., 2023, be quashed and set aside *qua* the petitioner.

8. Accordingly, the FIR of Adityapur P.S. Case No. 217 of 2025 registered for the offences punishable under Section 316(2) & 318(4) of the B.N.S., 2023, is quashed and set aside *qua* the petitioner.

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

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 11th December, 2025
AFR/Sonu-Gunjan/-

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