IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.878 of 2024

Moin Ansari aged about 32 years, S/O- Anwar Ansari, Resident of Village- Banda Singa (Belkapi), P.O.- Gorhar, P.S.- Gorhar, District- Hazaribag … Petitioner

Versus

The State of Jharkhand ⋯ Opposite Party

For the Petitioner : Mr. Ashok Kr. Singh, Advocate
Mr. Sarvendra Kumar, Advocate
For the State : Mr. Shailendra Kr. Tiwari, Spl. P.P.

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 proceedings including the order taking cognizance dated 01.02.2019 passed in connection with Gorhar P.S Case No.85 of 2018 corresponding to Special POCSO Case No.22 of 2020.

3. The brief fact of the case is that the police submitted charge-sheet against the co-accused and on the basis of the same, cognizance has been taken by the learned Special Judge, POCSO Act, Hazaribagh. Police apparently submitted a supplementary charge-sheet inter alia against the petitioner showing him as an absconder and since cognizance was already taken; non-bailable warrant of arrest was directed to be issued against the petitioner. The petitioner has not filed

the copy of the charge-sheet or the supplementary charge-sheet filed by the police in the Court of Special Judge, in this case. The learned Special Judge, POCSO Act, Hazaribagh has taken cognizance of the offence on the basis of the charge-sheet.

4. Learned counsel for the petitioner submits that the police authorities have prepared false and concocted story and submitted charge-sheet against the petitioner for having committed the offence punishable under Section 366 (A), 376, 341, 323, 504, 506, 295 A, 34 of the Indian Penal Code and Section 4 of the POCSO Act. Hence, it is submitted that the prayer, as prayed for in the instant Cr.M.P., be allowed.

5. Learned Spl. P.P. appearing for the State vehemently opposes the prayer of the petitioner made in the instant Cr.M.P. and submits that this is the second journey of the petitioner as the petitioner earlier filed Cr.M.P. No.520 of 2019 for the self-same relief which was dismissed vide order dated 22.07.2019 by a co-ordinate Bench of this Court. Hence, the instant Cr.M.P. is also not maintainable. It is further submitted that there is direct and specific allegation against the petitioner of committing the offences in respect of which charge-sheet has been submitted and the petitioner, knowing pretty well about the same, has not come to court with clean hands and has not filed the copy of the charge-sheet submitted against him. It is lastly submitted that this Cr.M.P., being without any merit, be dismissed.

6. 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 learned Special Judge, POCSO Act, Hazaribagh has taken cognizance of the offence based on the charge-sheet submitted by the police; which has been suppressed from this Court by the petitioner without any plausible reason. The learned counsel for the petitioner, on being asked by the Court, is unable to say as to at which stage the trial is and what is the next date fixed and for which purpose the case is fixed.

7. Keeping in the view the conduct of the petitioner and in the absence of any material to show that there is any illegality passed in the order dated 01.02.2019 which has been challenged in this Cr.M.P., this Court is not inclined to interfere with the same in exercise of the power of this Court under Section 482 of the Code of Criminal Procedure, 1973.

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

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 05th of January, 2026
AFR/ Animesh
Uploaded on- 06/01/2026