IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.1036 of 2023

---

1. Ramesh Ojha, aged about 59 years, Son of Dharni Dhar Ojha
2. Madhu Devi, aged about 50 years, Wife of Ramesh Ojha

Both are Resident of Dhanjori, P.O.- Chainpur, P.S. Narayanpur, Dist.- Jamtara … Petitioners

Versus

1. The State of Jharkhand
2. Ruplata Kumari @ Dhara Mehta, Daughter of Late Dashrath Prasad Mehta, Resident of Pal Bagan, Mihijam, P.O. & P.S.- Mihijam, Dist.- Jamtara ⋯ Opposite Parties

---

For the Petitioners : Mr. Manoj Kr. Sinha, Advocate
For the State : Mr. Shiv Shankar Kumar, Addl.P.P.
For the O.P. No.2 : Mr. Ashutosh Pd. Joshi, 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 with the prayer to quash the entire criminal proceeding arising out of P.C.R. Case No.69 of 2022 and the order dated 23.12.2022 whereby and where under the learned Sub-Divisional Judicial Magistrate, Jamtara has found *prima facie* case *inter alia* against the petitioners for having committed the offences punishable under Sections 420, 467, 468, 120B of the Indian Penal Code.

3. The allegation against the petitioners is that the petitioners introduced the complainant to the co-accused Praveen Raut to be the owner of the land and it was decided that the complainant will purchase ten (10) Kathas of land for a consideration amount of Rs.13,00,000/-. The mother of the complainant paid Rs.3,00,000/- by way of cheque to the petitioner No.1 and paid Rs.10,00,000/- to the co-accused Praveen Raut. It was represented by the petitioner No.1 and the said Praveen Raut that Praveen Raut is the owner of the land having perfect saleable right and promised that sale-deed will be executed by him for conveying the title of this property to be sold by him. After sometime, the complainant could know that the said land was a gifted(*Danpatra*) land and the ownership of the same cannot be transferred by way of registered sale-deed. When the complainant approached the accused persons and demanded her money back, the accused persons requested for time and adopted dilly dallying tactics. In the meanwhile, the petitioner No.2 got the said land transferred in her name and sold the same to a different person.

4. On the basis of the complaint, statement of the complainant on solemn affirmation and the statement of the inquiry witnesses, the learned Magistrate found *prima facie* case for the offences as already indicated above.

5. Learned counsel for the petitioners submits that the allegation against the petitioners is false. It is next submitted that in fact, the complainant took Rs.5,00,000/- from the petitioner No.1 and in this respect she has sworn an affidavit also; the copy of which has been kept as

Annexure-2 and the complainant also took Rs.55,000/- from the petitioner No.1 and in this respect, the complainant has also sworn another affidavit which is kept at Annexure-3 at page-4 of the Supplementary Affidavit dated 26.06.2024. It is further submitted that the complainant has taken away the Scooty of the petitioner No.1 by way of cheating and criminal breach of trust and in this respect, the petitioner No.1 also lodged Mihijam P.S. Case No.19 of 2019. It is lastly submitted that the prayer, as prayed for in this Criminal Miscellaneous Petition, be allowed.

6. Learned Addl. P. P. appearing for the State and the learned counsel for the opposite party No.2 oppose the prayer of the petitioners made in the instant Criminal Miscellaneous Petition and submit that the undisputed fact remains that the petitioner No.1 has taken Rs.3,00,000/- from the mother of the complainant. It is next submitted that the only contention of the petitioner No.1 for quashing the entire criminal proceeding is that he has not committed any offence and, in his defence, he wants to produce some documents which are the photocopies of the affidavits purportedly sworn by the complainant/opposite party No.2 which are in fact fake documents, which are not admissible in evidence and the genuineness of the same can be determined in a full dress trial of the case but on the contention of the petitioner No.1 that the allegations against him are false or that he has a very good defence, cannot be the ground to quash the entire criminal proceedings, by conducting a mini trial by this Court in exercise of its power under Section 482 of Code of

Criminal Procedure. Hence, it is submitted that this Cr.M.P., being without any merit, be dismissed.

7. Having heard the rival submissions made at the Bar and after carefully going through the materials available in the record, so far as the petitioner No.1 namely Ramesh Ojha is concerned, there is direct and specific allegation against him of deceiving the complainant and her mother by representing them that the co-accused Praveen Raut is the lawful owner of ten (10) Kathas of land having clear and transferable right, title and interest over the same which can be transferred to the complainant upon payment of Rs.13,00,000/-; though the petitioner no.1, knew the same to be false. The undisputed fact remains that the petitioner No.1 has received Rs.3,00,000/- from the mother of the complainant but he has not come forward with any explanation as to under what account the said amount of Rs.3,00,000/- has been taken by him from the complainant. It is a settled principle of law 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** the 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)

that 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.

8. It is also a settled principle of law that the veracity of the evidence put forth by the accused cannot be considered in exercise of the jurisdiction 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.**

9. Now, coming to the facts of the case, the only contention of the petitioner No.1 is that the allegations against him are false and in support of his defence, the petitioner No.1 intends to draw the attention of this Court towards photocopies of two affidavits purportedly sworn in by the complainant, the veracity of which is denied by the complainant. Such defence of the petitioner No.1 can only be considered in a full-dress trial but certainly in exercise of the power under Section 482 of the Code of Criminal Procedure, the disputed defence of the petitioner No.1, cannot be considered. Under such circumstances, this Court is of the considered view that there is no justifiable reason to accede to the prayer of the petitioner No.1 namely

Ramesh Ojha as made in this Criminal Miscellaneous Petition in exercise of this Court under Section 482 of the Code of Criminal Procedure. Accordingly, the prayer made by the petitioner no.1 in this criminal miscellaneous petition, being without any merit is rejected.

10. So far as the petitioner No.2 namely Madhu Devi is concerned, there is absolutely no other allegation against her except that she also introduced the co-accused Praveen Raut to the complainant. There is no allegation of entrustment of any money to her. There is no allegation of any deception being played by her to the complainant or anyone else nor is there any allegation against her of any forgery being committed. The only allegation against her is that she got transferred the land of the co-accused Praveen Raut in her name and sold it to someone else. Assuming such allegation is true even then it is Praveen Kumar Raut who can have any grievance against the petitioner No.2 but certainly no offence so far as this case is concerned, is made out against the petitioner No.2. Therefore, this Court is of the considered view that continuation of this Criminal Proceeding against the petitioner No.2 namely Madhu Devi when none of the offences punishable under Sections 420, 467, 468 of the Indian Penal Code is made out against her even with the aid of Section 120B of the Indian Penal Code, will amount to abuse of process of law.

11. Accordingly, the entire criminal proceeding arising out of P.C.R. Case No.69 of 2022 and the order dated 23.12.2022 passed by the

learned Sub-Divisional Judicial Magistrate, Jamtara is quashed and set aside *qua* the petitioner No.2 namely Madhu Devi only.

12. This Cr.M.P. is allowed to the aforesaid extent only.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 05th of November, 2026
AFR/ Animesh
Uploaded on- 06/11/2026