IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Revision No. 1625 of 2017

Naveen Anshu @ Navin Anshu, Son of P.D.N. Sinha, resident of 1/C, Neelkanth Apartment, P.O.-Morabadi, P.S.-Bariatu, District-Ranchi, Jharkhand … … Petitioner

Versus

1. The State of Jharkhand
2.Tarun Gupta, Son of Late Sudhir Kumar Gupta, resident of Laxmi Niwas, Hari Gopal Majumdar Road, P.S.-Bank More, P.S.-Dhanbad, District-Dhanbad …. Opp. Parties

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For the Petitioner : Mr. Naveen Kumar Jaiswal, Advocate
For the Opp. Party : Mrs. Nehala Sharmin, Spl.P.P.
For the O.P. No.2 : Mr. Rupesh Singh, Advocate

PRESENT
CORAM: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA
ORDERS

CAV On 29th July, 2026 **Pronounced on 17/09/2026**

1. Heard Mr. Naveen Kumar Jaiswal, learned counsel for the petitioner and learned Spl.P.P. assisted by Mr. Rupesh Singh, learned counsel for the opposite party No.2.

2. Instant revision has been preferred for setting aside the order dated 11.09.2017 passed by learned Judicial Magistrate, 1st Class, at Ranchi, whereby and whereunder the prayer for discharge in terms of section 245 of Cr.P.C. was rejected in Protest-cum-Complaint Case No.1011 of 2011 dated 23.06.2011(arising out of Bariatu P.S. Case No.391 of 2010 dated 01.12.2010), however cognizance was taken for offence under sections 406 and 420 of IPC and the case is presently pending in the court of learned Judicial Magistrate, 1st Class, at Ranchi.

Factual Matrix:-

3. Factual matrix giving rise to this revision as per complainant's case as well as FIR, the complainant filed a written report before the officer-in-charge Bariyatu police station stating therein that an agreement with a money receipt-cum-sale promise for sale of a piece of land between accused persons, and M/s coal Inspection service, a Partnership firm through its three partners including this complainant with the assurances in the year 1991-92 by signature of accused no. 1, against which some amount have been paid to the accused persons and a memo of understanding also prepared on 20/12/1998 between the registered firm of complainant and accused P.D.N. Sinha, the father of accused Navin Ansu on the instruction of said Navin Ansu. Thereafter neither the land was transferred in favour of informant/complainant or his partners not the amount which was taken by accused persons have been returned to the complainant firm

It is further alleged that the accused persons in connivance to each other have taken cash payments Rs. 7,5000/- from complainant on the plea of obtaining necessary permission from the authority concerned but did not do so. Thus, total advance amount of rupees four lakh was paid by the complainant to accused persons in installment as per their desire but the accused persons did not executed deed of sale in favour of complainant and also not taken any permission from any authority concerned to transfer the said land.

Although the complainant always expressed his readiness and willingness to pay the rest of consideration amount to accused persons but they both have failed and neglected to execute a sale deed and register it in favour of complainant firm on some pretext or the other.

It is further alleged that accused no. 2 signed MOU with regard to said land along with complainant on behalf of his son accused no. 1 Navin Ansu and as per said settlement or MOU the accused persons had to return 7 lakh 50 thousand to complainant or to provide Two flats ownership in joint venture out the accused person. In the meantime the accused persons constructed multistoried building over the said land without taking consent from complainant with the help of some other persons, builder's and sold out the same and earned a sum of rupees five Crores approximately but the both accused persons did not provide either land or flat and committed breach of trust to the complainant.

In the month of October 2010 when the complainant came to know aforesaid facts, he lodged FIR before Bariyatu Police Station against both the accused persons but in connivance with the accused persons, the police submitted final form 'civil dispute' against the both accused persons before the court and against the said final form submitted by police in favour of accused persons, the complainant has filed protest-cum-complaint petition.

4. After filing the Protest-cum-Complaint, the complainant was examined on self-affirmation (in short S.A.) and two witnesses were also examined in support of the complainant and after completion of enquiry, *prima-facie* case was found against the petitioner under sections 406 and 420 of IPC. Accordingly, summon was served to the accused persons and after their appearance in evidence before charge, four witnesses were examined including the complainant.

5. After receiving the summon in the Protest-cum-Complaint case, the petitioner challenged the order taking cognizance before this Court in Cr.M.P. No.2276 of 2012, which is still pending and in the meantime, the petitioner filed an application for his discharge invoking section 245 of Cr.P.C. but the same was dismissed and assailed in this revision.

Submission on behalf of the petitioner:-

6. Learned counsel for the petitioner has vehemently argued that the petitioner is innocent and has committed no offence as alleged in the complaint. It is further submitted that for the same dispute, one title suit bearing Title Suit No.197 of 2000 was instituted by the complainant/opposite party No.2, which was dismissed and decided in favour of the petitioner vide judgment dated 10.08.2018 in which, it has been held that the documents filed by the complainant/opposite party No.2 was forged and fabricated. It is further submitted that the complainant/opposite party No.2 has filed civil appeal No.128 of 2019 against the judgment passed in tittle suit, which is pending before

learned A.J.C.-VII, Ranchi. Prior to filing of the FIR, the complainant lodged another FIR at Dhanbad, in which the final form was submitted by the police. Thereafter, the complainant filed one complaint at Dhanbad being C.P. Case No.105 of 2003, which was also dismissed by learned court below finding the case of civil nature. Again, the complainant filed criminal revision before learned Sessions Judge, Dhanbad being Cr. Revision No.79 of 2006, which was also dismissed. It is further submitted that after four years, the complainant lodged FIR at Ranchi with the same allegation on 01.12.2010 and the police, after enquiry, submitted final form showing the case of civil nature. It is further submitted that there is no MoU or agreement has been signed between the complainant and the petitioner and the learned court below has not considered the entire facts of the case from the beginning while hearing on the point of discharge and passed the impugned order without taking cognizance of entire facts of this case and no ingredients of cheating right from the inception is made out against the petitioner. Hence, the offences charged against the petitioner of cheating the complainant does not constitute. As such, the impugned order is liable to be set aside and this revision may be allowed.

Submission on behalf of State:-

7. Learned Spl.P.P. assisted by learned counsel for the opposite party No.2 controverting the aforesaid argument has submitted that the petitioner and his father have cheated the complainant with

assurance to sell a piece of land to him for a consideration amount of Rs.8 lakhs and out of which, Rs.4 lakhs were given to the petitioner and his father by way of demand draft and cash. It is further submitted that MoU and agreement was also signed between them but in course of time, the petitioner neither executed the sale deed nor refunded the money. Therefore, the complainant/opposite party No.2 has sustained great monetary loss of Rs.1 crore at the hands of the petitioner with the interest as agreed @ Rs.16.33 per cent since 20.12.1998. The money taken by the petitioner is also admitted fact, therefore, there is no illegality or infirmity in the impugned order calling for any interference in this revision, which is fit to be dismissed.

Analysis, Reasons and Decision:-

8. I have gone through the impugned order in the light of contentions raised on behalf of both side and also apprised with the materials available on record. It appears that the petitioner has admitted that the complainant had given a sum of Rs.4 lakhs. Learned trial court has power to reject the discharge petition, if it finds a *prima facie* case disclosing the core ingredients of an offence based on the complainant's pre-charge evidence. From the impugned order, it transpires that learned trial court has

considered all the points at length and found *prima-facie* case against the petitioner for the offence under sections 406 and 420 of IPC. Thereafter, summon was served to the petitioner and after his appearance in evidence before charge, four witnesses have been examined including the complainant, who have supported the complaint case in their evidence. The plea taken by the petitioner and the grounds for discharge appear to be a contested question of facts to be decided at the time of trial on the basis of evidence adduced in this case. Therefore, I do not find any valid reason to interfere with the impugned order.

9. Accordingly, this revision appears to be devoid of merits, which stands **dismissed**.

10. The stay order, if any, shall stand vacated.

11. Pending I.A(s), if any, is also disposed of accordingly.

12. Let a copy of this order be communicated to the court concerned for information and needful.

(Pradeep Kumar Srivastava, J.)

High Court of Jharkhand, Ranchi

Date:-17 /09 /2026

Pappu/- N.A.F.R.

Uploaded on 18 /09 /2026