IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No. 2208 of 2016

1. Manoj Kumar @ Manoj Prasad, s/o Dewanand Prasad, resident of Anaith Ara, P.O.+P.S.+Dist.-Ara (Bihar)
2. Rajesh Prasad, s/o Triloki Prasad, resident of Bagbera Colony, Road No. 6, Krishnappuri, P.S.+P.O.-Bagbeda, Town Jamshedpur, Dist.-East Singhbhum (Jharkhand)

.... Petitioners

Versus

1. The State of Jharkhand
2. Kusum Devi, w/o late Ram Chandra Prasad, resident of Village-Mohana Toli, P.O.+P.S.+Dist.-Khunti

…. Opp. Parties

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

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For the Petitioner : Mr. Prabhat Kumar Sinha, Advocate
: Mr. Mayank Mrinal, Advocate
For the State : Ms. Priya Shrestha, Spl. P.P.
For O.P. No.2 : None

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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 FIR in connection with Khunti P.S. Case No. 130 of 2014, corresponding to G.R. No. 435 of 2014 registered for the offences punishable under Sections 420/406/34 of the Indian Penal Code and under Section 3 of the Dowry Prohibition Act and also to quash the order taking cognizance dated 05.11.2015

passed by the learned Chief Judicial Magistrate, Khunti in connection with the said case.

3. Though notice has been validly served upon the opposite party no.2 yet no one turns up on behalf of the opposite party no.2 in-spite of repeated calls.

4. The allegation against the petitioners is that the petitioners in furtherance of common intention with the co-accused persons deceived the informant by posing that the co-accused- Manoj Kumar is a prospective groom for the daughter of the informant-complainant and an eligible bachelor who is ready for a dowry less marriage and by so deceiving induced the informant-complainant to part with Rs.5,00,000/- by getting it transferred to the account of the co-accused persons by bank transaction towards the marriage expenses but cunningly after thus cheating the informant-complainant demanded Rs.10,00,000/- as dowry; though initially before making the informant-complainant part with Rs.5,00,000/- they allured the informant-complainant that the marriage of the co-accused-Manoj Kumar, son of Madan Prasad with the daughter of the informant-complainant would be a marriage without dowry. The further allegation is that because of the inability of the informant-complainant to meet the said exorbitant dowry demand, they broke the

proposed marriage but did not return the cheated amount of ₹ 5 lakhs.

5. On the basis of Complaint Case No. 44 of 2014 of the complainant, being referred to police under Section 156(3) of Cr.P.C., police registered Khunti P.S. Case No. 130 of 2014 and took up investigation of the case. After completion of investigation police found the allegations made against the petitioners; who are not the named accused persons of the case, of having committed the offences punishable under Sections 420/406/34 of the Indian Penal Code and under Section 3 of the Dowry Prohibition Act to be true and submitted chargesheet against them. Basing upon the same, learned Chief Judicial Magistrate, Khunti took cognizance of the said offences as already indicated above.

6. It is submitted by the learned counsel for the petitioners by relying upon the judgment of this Court in the case of **Amar Nath Goswami & Ors. vs. The State of Jharkhand & Anr.** reported in **2024:JHHC:3809** that in that case, this Court relied upon the judgment of the Hon'ble Supreme Court of India in the case of **Kahkashan Kausar @ Sonam & Ors. vs. State of Bihar & Ors.** reported in **(2022) 6 SCC 599**, wherein, the Hon'ble Supreme Court of India reiterated the settled principle of law that when the allegations made against the accused

persons are general and omnibus in nature, such case do not warrant prosecution.

7. Learned counsel for the petitioners next relied upon the judgment of the Hon'ble Supreme Court of India in the case of **Dara Laxmi Narayana & Ors. vs. State of Telangana & Anr.** reported in **(2025) 3 SCC 735** and submits that therein in a case relating to the offence punishable under Section 498A of the Indian Penal Code which offence of course, not involved in this case, it was held by the Hon'ble Supreme Court of India that mere reference to the names of the family members in a criminal case arising out of matrimonial dispute without specific allegations indicating their active involvement should be nipped in the bud. It is next submitted by the learned counsel for the petitioners that the petitioners are not the accused persons of the FIR and they have been implicated in this case upon the completion of the investigation of the case and no offence against the petitioners are made out. Hence, it is submitted that the prayer as prayed for by the petitioner in this criminal miscellaneous petition be allowed.

8. Learned Spl. P.P. on the other hand vehemently opposes the prayer of the petitioners and submits that the facts of this case are entirely different from the facts of **Kahkashan Kausar @ Sonam & Ors. vs. State of Bihar &**

Ors. (supra) and **Dara Laxmi Narayana & Ors. vs. State of Telangana & Anr.** (supra) because they were the cases relating to the offences punishable under Section 498A of the Indian Penal Code and in this case, the marriage never took place between the daughter of the informant-complainant and her prospective groom; who is one of the co-accused persons. It is next submitted by learned Spl. P.P. that this is a clear cut case of cheating by making the co-accused- Manoj Kumar, son of Madan Prasad pose to be the prospective groom and with the intention of deceiving the informant-complainant since the beginning, deceived her and induced her so deceived to part with Rs.5,00,000/- towards the expenses of the marriage and thereafter by a novel idea demanded Rs.10,00,000/- as dowry; which the petitioners knowing pretty well that the informant-complainant is unable to meet and on that ground breaking the proposed marriage and not returning the cheated amount; so the offences punishable under Sections 420 as well as Section 3 of the Dowry Prohibition Act is made out against the petitioners. Hence, it is submitted that there is no rhyme or reason why the prayer of the petitioners made in this criminal miscellaneous petition be allowed. It is, lastly, submitted that at this nascent stage when the trial is yet to begin and the

petitioners are absconding, the entire criminal proceeding ought not to be quashed.

9. Having heard the rival submissions made at the Bar and after carefully going through the materials available in the record, this Court is of the considered view that the ratio of the judgments of **Kahkashan Kausar @ Sonam & Ors. vs. State of Bihar & Ors.** (supra) and **Dara Laxmi Narayana & Ors. vs. State of Telangana & Anr.** (supra) are not applicable to the facts of this case because they were the cases relating to matrimonial dispute involving the offences punishable under Section 498A of the Indian Penal Code but here the marriage between the daughter of the informant-complainant and the conman co-accused-Manoj Kumar, son of Madan Prasad who was projected to be as an prospective groom only for the purpose of cheating, having the intention to deceive the informant-complainant since the beginning, with the intention to cheat the informant-complainant of huge sum of Rs.5,00,000/- on the pretext of marriage expenses but obviously with the intention not to pay back the same and thereafter in a planned manner introducing the dowry demand of Rs.10,00,000/- though initially they led the informant-complainant believe that the marriage between the co-accused-Manoj Kumar, son of Madan Prasad with the daughter of the informant-complainant will be the

marriage without dowry. So, under such circumstances, since police after investigation of the case has found the allegations against the petitioners to the true, the details of which obviously has been made in the case diary and upon submission of charge sheet, learned Chief Judicial Magistrate, Khunti has taken cognizance based on police report. At this nascent stage, this Court is of the considered view that if the allegations made remains unrebutted offences punishable under Section 420 of the Indian Penal Code as well as Section 3 of the Dowry Prohibition Act is made out against the petitioners. Hence, this court do not find any justifiable reason to accede to the prayer of the petitioner in exercise of its power under section 482 of the Code of Criminal Procedure.

10. Accordingly, this criminal miscellaneous petition being without any merit is dismissed.

11. The interim relief granted earlier vide order dated 24.03.2017 is vacated.

12. Registry is directed to intimate the court concerned forthwith.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 1st September, 2026
AFR/Gunjan/-

Uploaded on 02/09/2026