IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.2009 of 2025

Rajni Kant Sharma, Aged about 37 years, Son of Ram Krishna Sharma, R/o – Rahargora, P.O. + P.S.- Rahargora, District East Singhbhum (Jharkhand) … Petitioner

Versus

1. The State of Jharkhand
2. Renu Sharma, Aged about years, W/o Rajni Kant Sharma, R/o N.H. 73, Mandir Path, Bhatiya Basti, P.O. + P.S.- Kadma, Dist-Jamshedpur, Jharkhand … Opposite Parties

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For the Petitioner : Mr. Rahul Dev, Advocate
Mr. Priyanshu Nilesh, Advocate
For the State : Mr. Vineet Kr. Vashistha, Spl. P.P.
For the O.P. No.2 : Mr. Dilip Kr. Karmakar, 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 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the prayer to quash the entire criminal proceedings including the F.I.R. of Parsudih P.S. Case No.83 of 2017 including the order dated 02.05.2017 by which the complaint of the complainant was sent under Section 156 (3) of Cr.P.C. for registration of the F.I.R. and also the order dated 21.12.2018 passed by the learned A.C.J.M., Jamshedpur whereby the cognizance of the offence punishable under Section 498A, 504, 506 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act has been taken by the learned Magistrate and also to quash and set aside the order framing charge dated 21.11.2025 by which charges for the offences punishable under Section 498A,

504, 506 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act has been made.

3. The allegation against the petitioner is that the petitioner being the husband of the complainant-informant treated her with cruelty as by his wilful conduct the petitioner grabbed the neck of the complainant-informant and threw her down with force and injured her on her face, which was of such a nature as is likely to cause grave injury and danger to life and limb of the complainant-informant. There is further allegation against the petitioner that the petitioner demanded dowry of Rs.10,00,000/-to be brought by the complainant-informant from her father and then only she will be taken back in her matrimonial house. There is further allegation against the petitioner of harassing the complainant-informant by indulging in her character assassination by disowning the male child given birth by her during her marriage subsisting with the petitioner and accusing her of having illicit relationship with his own younger brother; all this were done by the petitioner, with the sole intention of coercing the complainant-informant to meet the unlawful demand of Rs.10,00,000/- to be brought by the complainant-informant from her father. On the basis of the complaint being forwarded to police under Section 156 (3) of Cr.P.C., Parsudih P.S. Case No.83 of 2017 was registered and police took up the investigation of the case. After completion of the investigation, police found the allegations against the petitioners to be true and submitted charge-sheet and basing upon the charge-sheet, cognizance of the offences were taken and subsequently charges have been framed as already indicated above in this case.

4. Learned counsel for the petitioner submits that the allegation against the petitioner is false. It is next submitted that the petitioner is employed in the Indian Army. It is further submitted that the marriage between the parties was a love marriage. The petitioner wanted the informant to join him at Baroda where he was transferred but the informant, in turn, wanted to shift to her parental house even after birth of the child. It is also submitted that the learned Magistrate did not appreciate the facts of the case. It is further submitted that there is a delay of one month in lodging the complaint. 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 and the learned counsel for the opposite party No.2 on the other hand vehemently oppose the prayer of the petitioner and submit that there is direct and specific allegation against the petitioner of indulging in wilful conduct of such a nature as is likely to cause grave injury and danger to life and limb of the complainant-informant and indulging in harassment of the complainant-informant by resorting to her character assassination by disowning his own son to whom the complainant-informant gave birth and falsely alleging that the complainant-informant was having illicit relationship with his own brother as well as others, all with the view to coerce her to meet the unlawful demand of Rs.10,00,000/- to be brought by the complainant-informant from her father and there is also direct and specific allegation of dowry demand of Rs.10,00,000/- besides insulting the informant in such a manner so as to provoke her to commit breach of peace and other offences. Hence, it is submitted that since the trial of the case has already begun, at this belated stage, entire criminal proceedings ought not be quashed in order to give an opportunity to the learned trial court to take a call on the

merits of the case. Therefore, it is 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, this Court finds that there is direct and specific allegation against the petitioner of indulging in wilful conduct by grabbing the neck of the complainant-informant and throwing her down with force injuring her on her head causing danger to her life and limb. Further, there is direct and specific allegation against the petitioner of harassing the complainant-informant by indulging in her character assassination, deserting her, not taking back to her matrimonial house and imposing a condition of payment of Rs.10,00,000/- by her father to take back her to her house and the undisputed fact remains that the complainant-informant is still in her parental house and such harassment was done with a view to coerce the complainant-informant to meet the unlawful demand of the petitioner. Further, there is direct and specific allegation against the petitioner of demanding of dowry of Rs.10,00,000/- besides insulting the complainant-informant in such a manner so as to provoke her to commit breach of peace and any other offence, which in the considered opinion of this Court, is sufficient to constitute the offences in respect of which charge has been framed. So, at this stage since the trial has already begun, therefore, this Court is not inclined to indulge in a mini trial of the case to ascertain the veracity of the defence of the petitioner as agitated in this Cr.M.P. as it is a settled principle of law that the defence of an accused person of the case and 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 which corresponds to Section 528 of

the Bharatiya Nagarik Suraksha Sanhita, 2023 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**

7. It is also a settled principle of law that no mini trial can be conducted by the High Court in exercise of the power under Section 482 of Code of Criminal Procedure, 1973 which corresponds to Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 to get into the appreciation of the evidence of the particular case; 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** 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)*

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

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 06th of May, 2026
AFR/ Animesh
Uploaded on- 08/05/2026