IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.3902 of 2022
------

1. Karam Mandal @ Karam Chand Mandal @ Karam Chandra Mandal, aged about 35 years, Son of Jitendra Nath Mandal @ Jiten Mandal, resident of Kola Kusma, Near Hari Mandir, Dhibar Basti, P.O. – K.G. Ashram, P.S. – Saraidhela, District – Dhanbad, Jharkhand.
2. Sameer Mandal, aged about 31 years, Son of Jitendra Nath Mandal @ Jiten Mandal, resident of Kola Kusma, Near Hari Mandir, Dhibar Basti, P.O. – K.G. Ashram, P.S. – Saraidhela, District – Dhanbad, Jharkhand.
3. Jitendra Mandal @ Jitendra Nath Mandal @ Jiten Mandal, aged about 69 years, Son of Prahalad Mandal, resident of Kola Kusma, Near Hari Mandir, Dhibar Basti, P.O. – K.G. Ashram, P.S. – Saraidhela, District – Dhanbad, Jharkhand.

… Petitioners

Versus

1. The State of Jharkhand.
2. Chandu Kumar Mandal, son of Durga Charan Mandal, resident of Kola Kusma, Near Hari Mandir, Dhibar Basti, P.O. – K.G. Ashram, P.S. – Saraidhela, District – Dhanbad, Jharkhand.

… Opposite Parties

For the Petitioners : Mr. Raj Nandan Chatterjee, Advocate
For the State : Mr. Vineet Kr. Vashistha, Spl.P.P.
For the O.P. No.2 : Mr. Pran Pranay, Advocate
Mr. Mac Lincon Emmanuel Kujur, Advocate

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

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 the Code of Criminal Procedure with the prayer to quash the entire criminal proceedings arising out of Complaint Case No. 2938 of 2021 including the order dated 24.09.2022 passed by the learned Judicial Magistrate-1st Class, Dhanbad in the said Complaint Case No. 2938 of 2021 whereby and where under the learned Judicial Magistrate-1st Class, Dhanbad has found *prima facie* case against the petitioners for having committed the offences punishable under Section 323, 341, 506, 354 & 379 of the Indian Penal Code and passed summoning order against the petitioners.

3. The allegation against the petitioners is that the petitioners in furtherance of their common intention, voluntarily caused hurt to the complainant and his mother, outraged the modesty of the mother of the complainant by tearing her blouse and removing her saree and committed theft of the *locket* from the neck of the complainant as also the gold chain from the neck of his mother. They also wrongfully restrained the complainant and his mother and criminally intimidated them.

4. On the basis of the complaint, the statement of the complainant on solemn affirmation and the statement of the inquiry witnesses, the learned Judicial Magistrate-1st Class, Dhanbad has found *prima facie* case

against the petitioners for the said offences and passed summoning order against the petitioners.

5. Learned counsel for the petitioners submits that the case is next fixed to 19.12.2026 for evidence before charge. It is next submitted that the allegations against the petitioners are all false. It is then submitted that no offence in respect of the offences for which *prima facie* case has been found by the learned Judicial Magistrate-1st Class, Dhanbad, is made out against the petitioners; even if the entire allegations made against the petitioners are considered to be true in their entirety. Hence, it is submitted that the prayer as prayed for in this Criminal Miscellaneous Petition be allowed.

6. Learned Special Public Prosecutor appearing for the State and the counsel appearing for the opposite party No.2 on the other hand vehemently oppose the prayer of the petitioners made in this Criminal Miscellaneous Petition and submit that there is direct and specific allegation against the petitioners of voluntarily causing hurt, committing theft, outraging modesty & criminally intimidating the complainant and his mother and wrongfully restraining them. Therefore, there is no justifiable reason to quash the entire criminal proceedings as prayed for in this Criminal Miscellaneous Petition. Hence, it is submitted that this Criminal Miscellaneous Petition, 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, this Court

finds that there is direct and specific allegation against the petitioners of, in furtherance of their common intention, voluntarily causing hurt to the complainant and his mother by causing them bodily pain. The complainant was treated in a hospital; the document to that effect has been filed besides they wrongfully restrained the complainant and his mother. Further there is also allegation against the petitioners, that the petitioners outraged the modesty of the mother of the complainant by tearing her blouse and removing her saree; moreover there is allegation against the petitioners of committing theft of gold chain from the neck of the mother of the complainant and the *locket* from the neck of the complainant besides criminally intimidating them.

8. After going through the materials available in the record, this Court finds that the materials in the record are sufficient to constitute the offences in respect of which the *prima facie* case has been found by the learned Judicial Magistrate-1st Class, Dhanbad against the petitioners. Therefore, this Court is of the considered view that there is no justifiable reason to accede to the prayer of the petitioners made in this Criminal Miscellaneous Petition in exercise of the power under Section 482 of the Code of Criminal Procedure.

9. Accordingly, this Criminal Miscellaneous Petition, being without any merit, is dismissed.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 25th of November, 2026
AFR/ Saroj

Uploaded on 26/11/2026