IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No. 354 of 2026

Indu Singh, aged about 41 years, wife of Prabhakar, daughter of Ramdev Singh @ Ram Deo Singh, resident of New Barganda, Near Mahila College, P.O. & P.S.-Giridih, Dist.-Giridih

.... Petitioner

Versus

1. The State of Jharkhand
2. Anup Kumar Rai, son of Saryu Rai, resident of Mango, P.O. & P.S.-Mango, Town-Jamshedpur, Dist.-East Singhbhum

…. Opp. Parties

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

…..

For the Petitioner : Mr. A.K. Sahani, Advocate
: Mr. Pankaj Verma, Advocate
: Mr. Vikesh Kumar, Advocate
For the State : Mr. Shiv Shankar Kumar, Addl. P.P.
For O.P. No.2 : Mr. Zaid Imam, Advocate
(Through Video Conferencing)

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By the Court:-

I.A. No.16158 of 2026

1. Heard the parties.

2. This interlocutory application has been filed with the prayer for early hearing of this criminal miscellaneous petition.

3. Since, hearing of this criminal miscellaneous petition is taken up today, hence, this interlocutory application is disposed of being infructuous.

(Anil Kumar Choudhary, J.)

Cr.M.P. No. 354 of 2026

1. Heard the parties.

2. This Criminal Miscellaneous Petition has been filed invoking the jurisdiction of this Court under Section 528 of B.N.S.S., 2023 with the prayer to quash the entire criminal proceeding including the order dated 14.02.2025 passed by the learned Judicial Magistrate 1st Class, Jamshedpur, in connection with Mango P.S. Case No. 199 of 2023, corresponding to G.R. No. 382 of 2025 whereby and where under, learned Judicial Magistrate 1st Class, Jamshedpur has taken cognizance of the offences punishable under Sections 406, 420, 467, 468, 471 and 120B of the Indian Penal Code.

3. The allegation against the petitioner is that the father of the petitioner entered into an agreement to purchase 20% of the joint family property which belongs to the share of the informant for a consideration amount of Rs.70,00,000/- and paid only Rs.25,00,000/- and expressed his inability to pay more amount and the father of the petitioner demanded Rs.25,00,000/- back as he is unable to pay the remaining amount. The informant requested him for some time to return the said advance money taken by him. The only allegation against the petitioner is that the petitioner gave Rs.13,50,000/- to her father Ramdev Singh and Ramdev Singh transferred the said amount to the account of the informant. Thereafter, the informant made payment to a bank account of the account holder

Kishori Rai as advised by the father of the petitioner but after a lapse of one year, the informant came to know that accused persons for committing forgery have changed the date of the cheque. The informant returned Rs.38,50,000/- to the account of the father of the petitioner. It is alleged that the petitioner has committed fraud along with his father of Rs.19,11,000/- by inducing the informant to transfer the same to the account of a different person being Kishori Rai.

4. On the basis of the written report submitted by the informant, police registered Mango P.S. Case No. 199 of 2023 and took up investigation of the case. After completion of investigation police submitted charge sheet against the petitioner and basing upon the same, learned Judicial Magistrate 1st Class, Jamshedpur has taken cognizance of the offences as already indicated above.

5. It is submitted by the learned counsel for the petitioner that the allegations against the petitioner are all false and the petitioner has been roped in, in this case only because he is the daughter of the co-accused-Ramdev Singh; only to harass her. It is next submitted by the learned counsel for the petitioner that the dispute, if any, between the parties is at best a civil dispute. It is then submitted by the learned counsel for the petitioner that even accepting the entire allegation made in this criminal

miscellaneous petition to be true, the same in no way constitute any of the offences in respect of which charge sheet has been submitted and cognizance has been taken. It is further submitted by the learned counsel for the petitioner that there is no allegation of any transaction between the petitioner and the informant.

6. Learned counsel for the petitioner relies upon the judgment of the Hon'ble Supreme Court of India in the case of **Vesa Holdings P. Ltd. & Anr. vs. State of Kerela & Ors.** reported in **2015 Supreme (SC) 267** wherein, the Hon'ble Supreme Court of India has reiterated the settled proposition of law that every breach of contract would not give rise to an offence of cheating and only in those cases breach of contract would amount to cheating where there was any deception played at the very inception. If the intention to cheat has developed later on, the same cannot amount to cheating and the real test is whether the allegations in the complaint disclose the criminal offence of cheating or not.

7. To the same effect, is the judgment of the Hon'ble Supreme Court of India in the case of **Sarabjit Kaur vs. State of Punjab And Anr.** reported in **(2023) 5 SCC 360** and in paragraph no.13 thereof, the same principle has been reiterated.

8. Learned counsel for the petitioner next relied upon the judgment of this Court in the case of **Ram Binod Choudhary & Ors. vs. The State of Jharkhand & Anr.** reported in **2026:JHHC:221** and submits that in that case, this Court relied upon the judgment of the Hon'ble Supreme Court of India in the case **of Mitesh Kumar J. Sha vs. State of Karnataka & Ors.** reported in **(2022) 14 SCC 572** wherein, in paragraph no. 44, the Hon'ble Supreme Court of India has reiterated that at innumerable instances, where the Hon'ble Supreme Court of India has expressed its disapproval for imparting criminal colour to a civil dispute, made merely to take advantage of a relatively quick relief granted in a criminal case in contrast to a civil dispute and such an exercise is nothing but an abuse of the process of law; which must be discouraged in its entirety. Hence, it is submitted that the prayer as prayed for by the petitioner in this criminal miscellaneous petition be allowed.

9. Learned Addl. P.P. and the learned counsel for the opposite party no.2 on the other hand vehemently opposes the prayer of the petitioner and submits that the petitioner in criminal conspiracy with the co-accused persons has committed the offence in respect of which cognizance has been taken by the learned Judicial Magistrate 1st Class, Jamshedpur Hence, it is submitted

that this criminal miscellaneous petition being without any merit be dismissed.

10. Having heard the rival submissions made at the Bar and after carefully going through the materials available in the record, the only allegation against the petitioner is that the petitioner paid Rs.13,50,000/- to the account of her father. There is no allegation against the petitioner of ever entering into any transaction with the informant. There is no allegation against the petitioner of having cheated or committed breach of peace nor there is any allegation against the petitioner of having committed forgery for the purpose of cheating or otherwise nor there is any allegation against the petitioner of using any forged document to be genuine.

11. Under such circumstances, this Court is of the considered view that even if the entire allegation made against the petitioner are considered to be true in its entirety, still, the same is insufficient to constitute any of the offences in respect of which cognizance has been taken by the learned Judicial Magistrate 1st Class, Jamshedpur therefore, continuation of the criminal proceeding against the petitioner will amount to abuse of process of law and this is a fit case where the entire criminal proceeding including the order dated 14.02.2025 passed by the learned Judicial Magistrate 1st Class, Jamshedpur, in

connection with Mango P.S. Case No. 199 of 2023, corresponding to G.R. No. 382 of 2025 be quashed and set aside *qua* the petitioner.

12. Accordingly, the entire criminal proceeding including the order dated 14.02.2025 passed by the learned Judicial Magistrate 1st Class, Jamshedpur, in connection with Mango P.S. Case No. 199 of 2023, corresponding to G.R. No. 382 of 2025 is quashed and set aside *qua* the petitioner.

13. In the result, this criminal miscellaneous petition is allowed.

14. In view of the disposal of this criminal miscellaneous petition, interlocutory applications, if any, is disposed of being infructuous.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 23rd November, 2026
AFR/Gunjan/-

Uploaded on 25/11/2026