

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.77 of 2026

1. Shashi Sekhar Giri @ Shashi Goswami, aged about 31 years, son of
Manish Kumar Giri

2. Raushan Kumar Giri @ Roshan Giri, aged about 26 years, son of
Manish Kumar Giri

Both are resident of Village-Manta Garha, Chotki Murram, Bazar
Tand Ramgarh, P.O. & P.S.-Ramgarh, Dist.-Ramgarh

3. Rinku Devi, aged about 40 years, wife of Mukesh Kumar, resident
of Village-Makhdumpur Dih, P.O. & P.S.-Makhdumpur, Dist.-
Jehanabad (Bihar)

... Petitioners

Versus

The State of Jharkhand ... Opposite Party

For the Petitioners : Mr. Gautam Kumar, Advocate
Ms. Savita Kumari, Advocate
Mr. Sudhir Kr. Srivastava, Advocate
Mr. Sanjay Kumar, Advocate
For the State : Mrs. Nehala Sharmin, Spl. P.P.

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 F.I.R. of Jagarnathpur P.S. Case No.491 of 2024 registered for the offences punishable under Sections 308 (6)/ 3 (5) of the B.N.S., 2023 as well as the entire criminal proceedings arising out of the aforesaid case.

3. At the outset, it is submitted by the learned counsel for the petitioners that the petitioners do not press the prayer made in this criminal miscellaneous petition in respect of the petitioner no.3-Rinku Devi.
4. Accordingly, this criminal miscellaneous petition is dismissed as not pressed so far as the petitioner no.3-Rinku Devi is concerned.
5. So far as the petitioner nos.1 and 2 are concerned, the allegation against the petitioners is that both the petitioner nos.1 and 2 being the brothers-in-law of the informant i.e. the brothers of his wife, have pressurized the informant to withdraw his divorce case and the petitioner nos.1 and 2, in furtherance of common intention with the co-accused persons, are demanding Rs.7,00,000/- from the informant and thereby a threatening is given by the co-accused Indu Devi and her husband Ramanand Goswami. Rinku Devi being the petitioner no.3 from time-to-time is threatening to send the informant to jail by implicating him in a false case. On the basis of the written report submitted by the informant, police registered Jagarnathpur P.S. Case No.491 of 2024 and took up the investigation of the case.
6. Learned counsel for the petitioner nos.1 and 2 submits that the allegation against the petitioners is false. The specific allegation of demand of money from the informant is against Indu Devi, Ramanand Goswami and Rinku Devi-petitioner no.3. There is no direct allegation against the petitioner nos.1 and 2 of demanding any money or extortion. It is next submitted that the allegation against

the petitioner nos.1 and 2 is false. Admittedly, this case has been instituted after institution of the case by the co-accused-Divya Jyoti, alleging treatment with cruelty in connection with demand of dowry *inter alia* against the informant, which has been registered as Jagarnathpur P.S. Case No.168 of 2023 and because of the same, this false case has been foisted *inter alia* against the petitioner nos.1 and 2 to wreak vengeance. It is next submitted that even if the entire allegations made against the petitioner nos. 1 and 2 are considered to be true, still the offence punishable under Section 308 (6)/3 (5) of the B.N.S., 2023 is not made out. Hence, it is submitted that the prayer, as prayed for in the instant Cr.M.P., be allowed.

7. Learned Spl. P.P. appearing for the State, on the other hand, vehemently opposes the prayer of the petitioners made in the instant Cr.M.P. and submits that there is sufficient material in the record to constitute the offence punishable under Section 308 (6) of the B.N.S., 2023. Hence, it is submitted that this Cr.M.P., being without any merit, be dismissed.

8. Having heard the rival submissions made at the Bar and after carefully going through the materials available in the record, it is pertinent to mention here that the essential ingredients to constitute the offence punishable under Section 308 (6) of the B.N.S., 2023 are as follows:-

1. The accused put the victim or any other person in fear of accusation against the victim himself or against that other person;

2. Accusation was in respect of an offence punishable with death or imprisonment for a term which may extend to ten years;
 3. Accused committed or attempted to commit an offence by inducing any person to commit any offence as indicated above;
 4. The accused did so in order to commit extortion.
9. Now, coming to the facts of the case, there is no direct allegation against either of the petitioner nos.1 and 2 that the petitioner nos.1 and 2, put the informant or any other person, in fear of accusation against the victim. The only allegation against the petitioner nos.1 and 2 is that a threatening was given to the informant to implicate him in false case but there is no material in the record to suggest as to the allegation of implicating in false case relates to which offence and in the absence of the alleged offence relating to which the false case was threatened to be instituted being specified, it is not known that the accusation was in respect of an offence punishable with death or imprisonment for a term which may extend to ten years or not. Further, the accusation of implicating the informant in the false case is specifically against the co-accused Rinku Devi-petitioner no.3 and there is no allegation in the F.I.R against either of the petitioner nos.1 and 2, of having whispered anything in this respect.
10. Under such circumstances, this Court is of the considered view that even if the entire allegations made in the F.I.R. of Jagarnathpur P.S. Case No.491 of 2024 are considered to be true in their entirety still

the offence punishable under Section 308 (6) of the B.N.S., 2023 is not made out. Therefore, keeping in view the admitted relationship between the petitioner Nos.1 and 2 with the informant respectively being his brothers-in-law and also keeping in view the pendency of Jagarnathpur P.S. Case No.168 of 2023, lodged by the co-accused-Divya Jyoti against the informant; in which after investigation of the case, charge-sheet has been submitted and cognizance of the offence, has also been taken by the learned Judicial Magistrate, this Court is of the considered view, that as no offence against the petitioner nos.1 and 2 is made out, even if the allegations made against them in the F.I.R. are considered to be true in their entirety, hence, this is a fit case where the F.I.R. of Jagarnathpur P.S. Case No.491 of 2024 as well as the entire criminal proceedings arising out of the aforesaid case, be quashed and set aside *qua* the petitioner nos.1 and 2 of this criminal miscellaneous petition.

11. Accordingly, the F.I.R. of Jagarnathpur P.S. Case No.491 of 2024 as well as the entire criminal proceedings arising out of the aforesaid case, is quashed and set aside *qua* the petitioner nos.1 and 2 of this criminal miscellaneous petition.
12. In the result, this Cr.M.P. stands allowed to the aforesaid extent only.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 19th January, 2026
AFR/Sonu-Gunjan/-

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