

**IN THE HIGH COURT OF JHARKHAND AT RANCHI****Cr.M.P. No.145 of 2023**

Raju Yadav, (aged about 20 years), s/o – Shivnath Yadav, resident of
– Armo Basti, Govindpur, P.O. & P.S. – Bokaro Thermal, District-
Bokaro, PIN Code – 829107, State - Jharkhand

... Petitioner

Versus

1. The State of Jharkhand

2. Durgesh Gupta, s/o – Dinesh Gupta, Permanent resident of
village Salempur, P.O. & P.S.- Salempur, District- Deowria, Uttar
Pradesh,

At present resident of Jain Hospital sector 8/C, P.O. – Harla,
P.S. – Harla, District- Bokaro, Jharkhand. ... Opposite Parties

For the Petitioner	: Mr. Prashant Kr. Shrivastava, Advocate Mr. Vishwajeetjee Chaturvedi, Advocate
For the State	: Ms. Priya Shrestha, Spl. P.P.
For the O.P. No.2	: Mr. Pankaj Verma, Advocate Mr. Vikesh Kumar, 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 482 of the Code of Criminal
Procedure, 1973 with the prayer to quash the entire criminal



proceedings including the F.I.R. of Bokaro Thermal P.S. Case No.76 of 2022 corresponding to G.R. Case No.1079 of 2022 registered for the offences punishable under Sections 323, 406, 420 and 34 of the Indian Penal Code.

3. The allegation against the petitioner is that the petitioner deceived and thereby induced the informant so deceived to part with Rs.15,00,000/- by dishonestly and fraudulently promising to ensure the selection of the informant in Under-19 Cricket Team of Arunachal Pradesh. The informant, being so deceived, parted with Rs.7,50,000/- out of which Rs.3,28,900/- was transferred to the account of the petitioner along with his brother Mukesh and Rs.5,21,100/- was paid in cash to the petitioner and his brother Mukesh. The informant filed Complaint Case No.438 of 2022 in the court of Additional Chief Judicial Magistrate, Bermo at Tenughat which upon being forwarded to police under Section 1563 (3) of Cr.P.C., Bokaro Thermal P.S. Case No.76 of 2022 has been registered and police took up the investigation of the case.

4. Learned counsel for the petitioner submits that the allegation against the petitioner is false. It is next submitted that the co-accused Mukesh Yadav is not the brother of the petitioner. But, on being asked by the Court to the petitioner as to whether Mukesh Yadav also lives in the same village as that of the petitioner namely Armo Basti and whether the name of the father of Mukesh Yadav is the same as that of the petitioner namely Shivnath Yadav, learned counsel for the



petitioner submits that he has no information about the same. It is next submitted that the petitioner along with the informant went to Arunachal Pradesh for practicing for the Under-19 Cricket Tournament for selection phase; the petitioner was selected but the informant was not selected, hence, being jealous, the informant has filed this false case against the petitioner. It is further submitted that the amount of money in the name of Raju which has been shown to be transferred by the bank account of petitioner, does not belong to the petitioner. It is also submitted that the ingredients required to constitute the criminal offence are not sufficient to constitute the criminal offence even if the allegations made against the petitioner are considered to be true. It is also submitted that the dispute between the parties is purely a civil dispute. 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 made in the instant Cr.M.P. and submit that there is direct and specific allegation against the petitioner of deceiving the informant and dishonestly and fraudulently inducing the informant so deceived to part with huge amount of money and being so deceived and induced dishonestly and fraudulently by the petitioner, the informant has parted with huge amount of money which is sufficient to constitute the offence punishable under Section 420 of the Indian Penal Code. It is also submitted that the only plea of the petitioner is that the



allegations against him are false and that plea he can certainly take during the investigation of the case and in case charge-sheet is submitted against him and charges are framed against him then during the trial of the case; but the same is not a sufficient ground to quash the entire criminal proceedings. Hence, 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, it is pertinent to mention here that there is direct and specific allegation against the petitioner of deceiving the informant with fraudulent and dishonest intention and inducing the informant to part with huge amount of money and the informant after being so deceived, has parted with huge amount of money. It is a settled principle of law that the economic offence stands in a different footing than other offences so far as quashing of the entire criminal proceeding is concerned as has been reiterated by the Honourable Supreme Court of India in the case of **Dinesh Sharma versus Emgee Cables and Communications Ltd. & Another** reported in **2025 SCC OnLine 929**, particularly in para-23 and 20 of the judgement. The undisputed fact remains that if the allegations made against the petitioner are considered to be true in their entirety then the offences alleged is made out against the petitioner.

7. The only plea of the petitioner is that the allegations against him are false and that plea, he can certainly take during the investigation of



the case and in case charge-sheet is submitted against him and charges are framed against him then during the trial of the case.

8. 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 power under Section 482 of the Code of Criminal Procedure, 1973 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**.

9. 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 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)

10. In view of the discussions made above, this Court is of the considered view that this is not a fit case where the prayer prayed for



by the petitioner in the instant Cr.M.P. is to be acceded in exercise of the power of this Court under Section 482 of the Code of Criminal Procedure, 1973.

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

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 20th of January, 2026
AFR/ Animesh
Uploaded on- 21/01/2026