

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.154 of 2023

1. Chanchal Chatterjee, Aged about 64 years, S/o Shambhu Nath Chatterjee, R/o Kokar, P.O- Kokar, P.S.- Sadar & District- Ranchi.
2. Anjan Kanjilal, Aged about 49 years, S/o Samir kumar Kanjilal, R/o Sector- III/B, Q No.-61, Bokaro Steel City, P.O. & P.S.- Bokaro Steel City & District- Bokaro.

... Petitioners

Versus

1. The State of Jharkhand
2. Ratnakar Kumar, S/o Jaideo Narayan Singh, R/o Sector- 4/G, QNo- 1133, P.O. & P.S.- Sector-4, District- Bokaro

... Opposite Parties

For the Petitioner : Mr. Sidhartha Roy, Advocate
For the State : Mr. Shiv Shankar Kumar, Addl.P.P.
For the O.P. No.2 : None

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

By the Court:- Heard the parties.

2. Though notice has been served upon the opposite party No.2 yet no one turns up on behalf of the opposite party No.2 in spite of repeated calls.
3. 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 order dated 09.12.2022 passed by the learned Judicial Magistrate-1st Class, Bokaro by which learned Judicial Magistrate-1st Class, Bokaro has found *prima facie* case for the offence punishable under Sections 406, 420 and 120B of the Indian Penal Code and prayer has also been

made to quash the entire criminal proceedings in connection with Complaint Case No.299 of 2020.

4. The allegation against the petitioners is that the petitioners in criminal conspiracy with the co-accused persons deceived the complainant by suppressing the material facts that the co-accused namely Sarswati Banerjee is not a spinster and on the proposal of Sarswati Banerjee claiming herself to be a spinster, the complainant married her and later on, the complainant came to know that the co-accused namely Sarswati Banerjee has married at least ten persons before marrying the complainant and she reduced her age to 32 years by manipulating documents and she is having two daughters aged 23 years and 21 years respectively. The only allegation against the petitioners is that they have made the complainant involved in a honey trap and are threatening to send him to Jail. The co-accused namely Sarswati Banerjee has instituted a case involving the offence punishable under Section 498A of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act and is demanding Rs.40,00,000/- for compromise of the said case and the petitioners are behind the said co-accused namely Sarswati Banerjee. On the basis of the complaint, the statement on solemn affirmation and the statement of the enquiry witnesses, the learned Judicial Magistrate-1st Class, Bokaro has found the *prima facie* case for the offence punishable under Section 406, 420 and 120B of the Indian Penal Code.

5. Learned counsel for the petitioners submits that the allegation against the petitioners is false. The main allegation is against the co-accused Sarswati Banerjee. There is no allegation against the petitioners of entrustment of any money or property nor is there any allegation of dishonest misappropriation

and in the absence of the same, the offence punishable under Section 406 of the Indian Penal Code is not made out against the petitioners; even with the aid of Section 120B of the Indian Penal Code. Further, there is also no allegation against the petitioner of deceiving and dishonestly inducing the person deceived to part with any property. So, the offence punishable under Section 420 of the Indian Penal Code is also not made out against the petitioners even with the aid of Section 120B of the Indian Penal Code. Hence, it is submitted that the prayer as prayed for in this Criminal Miscellaneous Petition be allowed.

6. Learned Addl.P.P. appearing for the State on the other hand vehemently opposes the prayer of the petitioner made in this Criminal Miscellaneous Petition and submits that the materials available in the record are sufficient to constitute all the offences punishable under Section 406, 420 and 120B of the Indian Penal Code. 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, it is pertinent to mention here that in order to constitute the offence punishable under Section 406 of the Indian Penal Code, the essential ingredients to constitute the said offence are:-

- (i) *There must be an entrustment, and*
- (ii) *there must be misappropriation or conversion to one's own use or use in violation by legal direction or of any legal contract.*

*as has been held by the Hon'ble Supreme Court of India in the case of **Ram Narayan Popli vs. Central Bureau of Investigation** reported in (2003) 3 SCC 641.*

8. Now coming to the facts of the case, there is absolutely no allegation against the petitioners of any entrustment or dishonest misappropriation of any

entrusted property; neither against the petitioners nor against the co-accused. Hence, this Court is of the considered view that the even if the entire allegations made against the petitioners are considered to be true in their entirety, still the offence punishable under Section 406 of the Indian Penal Code is not made out, even with the aid of Section 120B of the Indian Penal Code.

9. So far as the offence punishable under Section 420 of the Indian Penal Code is concerned, the essential ingredients to constitute the said offence are:-

- (i) *Deceit, that is to say dishonest or fraudulent misrepresentation, and*
- (ii) *Inducing the person deceived to part with property*

10. Now coming to the facts of the case, there is absolutely no allegation either against the petitioners or the co-accused persons of inducing any person deceived, to part with any property. The only allegation is that the co-accused is demanding Rs.40,00,000/- for settlement of the case instituted by her. So, under such circumstances, this Court is of the considered view that even if the entire allegations made against the petitioners are considered to be true in their entirety, the offence punishable under Section 420 of the Indian Penal Code is not made out against the petitioners, even with the aid of the 120B of the Indian Penal Code.

11. In view of the discussions made above, since none of the offences in respect of which the *prima facie* case has been found by the learned Judicial Magistrate-1st Class, Bokaro against the petitioners, therefore, the continuation of the criminal proceeding against the petitioners will amount to abuse of process of law. Hence, this is a fit case where the entire criminal proceedings in connection with Complaint Case No.299 of 2020 as well as the order dated

09.12.2022 passed by the learned Judicial Magistrate-1st Class, Bokaro be quashed and set aside *qua* the petitioners only.

12. Accordingly, the entire criminal proceedings in connection with Complaint Case No.299 of 2020 as well as the order dated 09.12.2022 passed by the learned Judicial Magistrate-1st Class, Bokaro is quashed and set aside *qua* the petitioners only.

13. In the result, this Criminal Miscellaneous Petition is allowed to the aforesaid extent only.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 09th of October, 2025
AFR/ Saroj

Uploaded on 13/10/2025