

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No. 385 of 2023

Kumar Anand Sagar, aged about 40 years, son of Ram Sagar Prasad,
resident of Ghato Bagicha, Gumla, P.O. & P.S.-Gumla, Dist.-Gumla

.... Petitioner

Versus

1. The State of Jharkhand
2. Ajay Ram, son of late Gopal Ram, resident of Bhatthi Mohalla,
Gumla, P.O. & P.S.-Gumla, Dist.-Gumla

.... Opp. Parties

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner	 : Mr. Ritesh Kumar, Advocate
	: Mr. Gaurav, Advocate
For the State	: Mr. Shailesh Kr. Sinha, Addl. P.P.
For the O.P. No.2	: Ms. Tejaswi, Advocate
	(Through Video Conferencing)
	

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 Cr.P.C. with the prayer to quash the order dated 14.12.2022 passed by the learned Chief Judicial Magistrate, Gumla in Complaint Case No. 207 of 2019 whereby and where under, the learned Chief Judicial Magistrate, Gumla has dismissed the complaint petition under Section 203 of Cr.P.C.

3. The allegation against the opposite party no.2 is that the opposite party no.2-the proposed accused person of the case took Rs.40,000/- from the petitioner-complainant to purchase a motorcycle after getting remaining loan financed by the financial institution but did not repay the said Rs.40,000/-to the complainant.
4. Learned Chief Judicial Magistrate, Gumla considered that there is no allegation of any deception played by the opposite party no.2-the proposed accused person of the case, since the beginning of the transaction between the parties and the dispute between the parties is purely a civil dispute and by thus considering came to the conclusion that the complaint has been filed as a pressure tactics upon the proposed accused person of the case and dismissed the complaint under Section 203 of Cr.P.C.
5. It is submitted by the learned counsel for the petitioner that the learned Chief Judicial Magistrate, Gumla without application of his judicial mind has dismissed the complaint ignoring the fact that the complainant in his statement under solemn affirmation and the inquiry witnesses have supported the case of the complainant. Hence, it is submitted that the prayer as made in this criminal miscellaneous petition be allowed.
6. The learned Addl. P.P. and the learned counsel for the opposite party no.2 on the other hand vehemently opposes the prayer and submits that the petitioner could not even produce a scrap of paper to show that he has lent any money to the opposite party

no.2-the proposed accused person of the case and at best the dispute between the parties is a civil dispute therefore, the learned Chief Judicial Magistrate, Gumla has rightly dismissed the complaint under Section 203 of Cr.P.C. Hence, it is submitted that this criminal miscellaneous petition being without any merit be dismissed.

7. Having heard the submissions made at the Bar and after going through the materials in the record, it is pertinent to mention here that it is a settled principle of law as has been held by the Hon'ble Supreme Court of India in the case of **Satish Chandra Ratan Lal Shah vs. State of Gujarat & Anr.** reported in (2019) 9 SCC 148, paragraph no. 13 of which reads as under:-

"13. Now coming to the charge under Section 415 punishable under Section 420 IPC. In the context of contracts, the distinction between mere breach of contract and cheating would depend upon the fraudulent inducement and mens rea. (See Hridaya Ranjan Prasad Verma v. State of Bihar [Hridaya Ranjan Prasad Verma v. State of Bihar, (2000) 4 SCC 168 : 2000 SCC (Cri) 786] .) In the case before us, admittedly the appellant was trapped in economic crisis and therefore, he had approached Respondent 2 to ameliorate the situation of crisis. Further, in order to recover the aforesaid amount, Respondent 2 had instituted a summary civil suit seeking recovery of the loan amount which is still pending adjudication. The mere inability of the appellant to return the loan amount cannot give rise to a criminal prosecution for cheating unless fraudulent or dishonest intention is shown right at the beginning of the transaction, as it is this mens rea which is the crux of the offence. Even if all the facts in the complaint and material are taken on their face value, no such dishonest representation or inducement could be found or inferred." (Emphasis supplied)

that mere inability of the accused to return the loan amount cannot give rise to a criminal prosecution for cheating unless fraudulent or

dishonest intention is shown right at the beginning of the transaction between the parties.

8. Now coming to the facts of the case, there is absolutely no allegation against the opposite party no.2-the proposed accused person of the case that he had fraudulent or dishonest intention right at the beginning of the transaction nor there is any document to show payment of any money by the petitioner to the opposite party no.2-the proposed accused person of the case.
9. Under such circumstances, this Court is of the considered view that the learned Chief Judicial Magistrate, Gumla has not committed any illegality in dismissing the complaint warranting interference of this Court in exercise of its power under Section 482 of Code of Criminal Procedure.
10. Accordingly, this criminal miscellaneous petition being without any merit is dismissed.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 21st January, 2026
AFR/Sonu-Gunjan/-

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