



IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No. 804 of 2019

Kishan Kumar, aged about 25 years, s/o Vijay Kumar @ Vijay Singh @
Vijay Prasad, r/o Village-Chandni Chowk Bisanpur, P.S.-Town, P.O.-
Mirzapur Banduar, Dist.-Begusarai Bihar

.... Petitioner

Versus

1. The State of Jharkhand
2. Anupam Kumari, d/o BP Singh, r/o New Bishnupur Krishna Road,
Dhanbad, P.O.& P.S.-Town, Dist.-Dhanbad, Jharkhand

.... Opp. Parties

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

.....
For the Petitioners : In Person
For the State : Mr. Bishwambhar Shastri, Addl. P.P.
For O.P. No.2 : None

.....

By the Court:-

1. Heard the parties.
2. Though notice has validly 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 Cr.P.C. with the prayer to quash the order dated 25.07.2018 passed by the learned Chief Judicial Magistrate, Dhanbad in Dhanbad P.S. Case No. 127 of 2018, corresponding to G.R. No. 1241 of 2018 by which the learned Chief Judicial Magistrate, Dhanbad consequent upon the submission of the charge sheet by the police against the petitioner for having committed the offences punishable under Sections 419,



420 and 120B of the Indian Penal Code, has taken cognizance of the said offences.

4. It is submitted by the petitioner in person that in the meanwhile, charge has been framed against the petitioner but he does not remember the date when charge has been framed against him and he has not made any prayer for quashing the charge framed against him.
5. The allegation against the petitioner is that the petitioner in criminal conspiracy with the co-accused persons has cheated by impersonating as bank officer and dishonestly induced the informant, who was deceived him to part with Rs.12,00,000/- for transferring the same to the account of the co-accused persons. From the possession of the petitioner a large number of passbooks and ATM cards were recovered, which were used in commission of the said cybercrime. Though the petitioner is not named in the FIR but during the investigation of the case his complicity in the offence alleged has been found to be true and police submitted charge sheet against him and basing upon the same, learned Chief Judicial Magistrate, Dhanbad has taken cognizance of the offences as already indicated above.
6. The petitioner in person submits that no money has been credited to the account of the petitioner and none of the witnesses have alleged that the petitioner is anyway involved in the commission of the cybercrime either directly or indirectly. It is next submitted by the petitioner in person that without collecting



any tangible evidence, police has submitted charge sheet against the petitioner and the allegations against the petitioner are all false and fabricated. It is further submitted by the petitioner in person that the co-accused persons in whose account money has been transferred are the real culprits and though the mother of the petitioner is a seizure list witness but she has not been made a witness in the charge sheet, which creates a doubt on the allegation against the petitioner. It is then submitted by the petitioner in person that the father of the petitioner filed informatory petition against Sunil Kumar, Station Head Officer of Town Police Station, Begusarai and others and hence Sunil Kumar without following the procedure helped the Dhanbad police to arrest the petitioner and damaged the house of the petitioner. Hence, it is submitted that the prayer as made in this criminal miscellaneous petition be allowed.

7. The learned Addl. P.P. on the other hand vehemently opposes the prayer as prayed for by the petitioner in this criminal miscellaneous petition and submits that the only contention of the petitioner for quashing the cognizance order is that the allegations against the petitioner are all false which is at best a defence which the petitioner can take at the time of full dress trial of the case but the same is not a ground to be considered at this stage. It is next submitted by the learned Addl. P.P. that passbooks and ATM cards which were used in commission of the cybercrime has been recovered from the possession of the petitioner and the same is



tangible evidence which are enough to establish that the petitioner was involved in the commission of the said cybercrime. Hence, it is submitted that this criminal miscellaneous petition being without any merit be dismissed.

8. Having heard the submissions made at the Bar and after going through the materials available 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 **State of Madhya Pradesh vs. Awadh Kishore Gupta & Ors.** reported in **2004 2 Supreme 501** that the defence of the accused person and the veracity of the evidence put forth by the accused, cannot be considered in exercise of jurisdiction under Section 482 Cr.P.C. by the High Court, as that would be job of the trial court.
9. It is also a settled principle of law as has been held by the Hon'ble Supreme Court of India in the case of **Uttar Pradesh & Anr. vs. Akhil Sharda & Ors.** reported in **2022 LiveLaw SC 594** wherein the Hon'ble Supreme Court of India reiterated the settled principle of law that no mini trial can be conducted by the High Court in exercise of power under Section 482 Cr.P.C, the 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. Now coming to the facts of the case, this Court finds that the only contention of the petitioner is that the allegations against the petitioner are all false which at best can be a defence which the petitioner can take in a full-dress trial of the case.
11. Upon going through the materials in the record, this Court finds that huge number of passbooks and ATM cards used in commission of cybercrime was recovered from the possession of the petitioner. There is ample materials in the record to suggest the involvement of the petitioner in the offence for which the learned Chief Judicial Magistrate, Dhanbad has taken cognizance upon submission of the charge sheet.
12. Under such circumstances, this Court is of the considered view that there is no justifiable reason to accede to the prayer as made in this criminal miscellaneous petition, in exercise of the power of this court under section 482 of the Code of Criminal Procedure.
13. Accordingly, this criminal miscellaneous petition being without any merit is dismissed.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 24th November, 2025
AFR/Sonu-Gunjan/-

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