

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.935 of 2025

Ravi Ranjan Kumar Vikram @ Ravi Ranjan Bikram, Aged about 52 years, Son of Sri Bihari Ram, Flat No. 2 C, Block: Prabhakar, Rashmirathi Apartment, Chandani Chowk, Kanke Road, P.O. Gandhi Nagar, P.S. Gonda, District: Ranchi

... Petitioner

Versus

1. The State of Jharkhand

2. Sanjay Kumar, Son of Late Radhey Shyam Singh, Resident of Qtr. No. 281, Sector- IIIC, Bokaro Steel City, P.O. & P.S.- Bokaro Steel City, District: Bokaro, at present resident of Devi Mandap Road, Ratu Road, P.O. & P.S. Sukhdeo Nagar, District: Ranchi

... Opposite Parties

For the Petitioner	: Mr. Vishal Kr. Tiwary, Advocate Mr. Manjeet Kr. Chaudhary, Advocate Md. Imran Beig, Advocate Mr. Deepak Kumar, Advocate Ms. Rishika Deogharia, Advocate Mr. Aniket Kr. Ojha, Advocate
For the State	: Mr. Shubham Gautam, AC to Sr. AAG
For the O.P. No.2	: Mr. Ajay Kr. Sah, Advocate

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

***By the Court:-* I.A. No.9404 of 2026**

Heard the parties.

Learned counsel for the petitioner submits that this interlocutory application has been filed for early hearing of this Cr.M.P.

Since, the hearing of this Cr.M.P. is taken up today, hence, this interlocutory application stands disposed of being infructuous.

(Anil Kumar Choudhary, J.)

Cr.M.P. No.935 of 2025

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 cognizance order dated 05.03.2013 passed in Protest-cum-Complaint Case No.1492 of 2007 by which the learned Magistrate has found *prima facie* case for the offences punishable under Sections 380, 448, 504, 506 of the Indian Penal Code and the said case is now pending in the court of learned Chief Judicial Magistrate, Ranchi.

2. The brief facts of the case is that the petitioner while being posted as Circle Officer of Town Circle, Ranchi on 07.06.2006 at 3:30 p.m. went to the property of the complainant which was mortgaged with the State Bank of India. Though there was a stay order from this Court, the Bank Manager who was accompanying the petitioner, told the complainant that he has no knowledge about any such order. The petitioner asked for the documents. The complainant showed the photocopy of the documents which were torn by the petitioner and he became enraged and accused the complainant of preparing forged documents and ordered for the complainant to be forcibly thrown out. Thereafter, the Bank Manager and others entered into the house of the complainant, misbehaved with the complainant and his

wife, pushed him and took all the articles. In a question to the court, the complainant in paragraph-4 of his statement on solemn affirmation has stated that he has not seen himself or his articles being taken away.

3. On the basis of the protest-cum-complaint petition, statement on solemn affirmation and the statement of the inquiry witnesses, the learned Judicial Magistrate-1st Class, Ranchi found *prima facie* case for the said offences.

4. At the outset, learned counsel for the petitioner submits that the case is next fixed to 07.08.2026 for the appearance of the accused persons of the case. It is next submitted that the Recovery Officer of the Debt Recovery Tribunal, Ranchi has issued the certificate in favour of the co-accused persons namely Anil Kumar Sahu and Sunil Kumar Sarawagi. The accused Nos. 3 and 4 have acquired the property in legal manner. It is next submitted that W.P. (C) No.2715 of 2006 filed by the wife of the complainant has been dismissed. As after reasonable time being elapsed; no order was produced before the concerned authority, regarding the stay of the order of eviction so, on 25.05.2006, possession of auctioned property was handed over to the officers of State Bank of India. It is next submitted that the petitioner acted in his official capacity. It is further submitted that even if the entire allegations made against the petitioner are considered to be true, still no offence is made out against the petitioner. It is further submitted that without the sanction for prosecution as envisaged under Section 197 of Cr.P.C., the order issuing summons against the petitioner is bad in law. Hence, it is submitted that the prayer, as prayed for in this Cr.M.P., be allowed.

5. Learned counsel 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 though it has not been specifically mentioned that the petitioner entered into the house of the complainant and committed theft of property but the reference in the statement on solemn affirmation of the complainant that the Bank Manager along with others entered into the house of the complainant, amounts to the petitioner also entering into the house of the complainant. Hence, if the allegations made against the petitioner are considered to be true in their entirety, then all the offences in respect of which the learned Magistrate has found *prima facie* case is made out against the petitioner also. Therefore, 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 the complainant first filed Complaint Case No.821 of 2006; which upon being referred to police under Section 156 (3) of Cr.P.C., Kotwali (Sukhdeonagar) P.S. Case No.521 of 2006 was registered, in which police took up the investigation of the case and submitted Final Form and did not send up the petitioner for trial; on the ground that the dispute between the parties is a civil dispute and subsequently a protest petition was filed which was numbered as Protest-cum-Complaint Petition No.1492 of 2007. Perusal of the para-13 of the Complaint Case No.821 of 2006 goes to show that it is the case of the complainant that the accused persons of the case without any authority, along with twenty (20) anti-social elements

entered into the house of the complainant and removed the house-hold articles and took away the same.

7. Now, coming to the facts of the case; the only allegation against the petitioner is that the petitioner asked the complainant for the documents and when the complainant handed over the photocopies of the documents, the same were torn by the petitioner and he became enraged and accused the complainant of preparing forged documents and ordered for the complainant to be forcibly removed and thereafter the Bank Manager and others entered into the house and misbehaved with the complainant and took away the articles. When this statement of the complainant on solemn affirmation is read with paragraph-13 of the complaint of Complaint Case No.821 of 2006, this Court has no hesitation in holding that the statement made in solemn affirmation that the Bank Manager and others entered into the house; means the Bank Manager and twenty (20) anti-social elements who were accompanying the Bank Manager, entered into the house. So, in the absence of any allegation that the petitioner even entered the house, the offence punishable under Section 448 of the Indian Penal Code is not made out.

8. There is no allegation against the petitioner of committing theft of any article, from any dwelling house so, the offence punishable under Section 380 of the Indian Penal Code is not made out against the petitioner.

9. There is no allegation against the petitioner of committing any criminal intimidation and in the absence of the same, the offence punishable under Section 506 of the Indian Penal Code is not made out against the petitioner.

10. There is no allegation against the petitioner of intentionally insulting the complainant or anyone else, provoking anyone to break public peace or to commit any offence and in the absence of the same, the offence punishable under Section 504 of the Indian Penal Code is not made out against the petitioner.

11. In view of the discussions made above, since none of the offences in respect of which *prima facie* case was found out by the learned Judicial Magistrate-1st Class, Ranchi, is made out against the petitioner, hence, this Court has no hesitation in holding that the continuation of this criminal proceeding against the petitioner will amount to abuse of process of law. Therefore, it is a fit case where the cognizance order dated 05.03.2013 passed in Protest-cum-Complaint Case No.1492 of 2007 which is now pending in the court of learned Chief Judicial Magistrate, Ranchi, be quashed and set aside *qua* the petitioner named above.

12. Accordingly, the cognizance order dated 05.03.2013 passed in Protest-cum-Complaint Case No.1492 of 2007 which is now pending in the court of learned Chief Judicial Magistrate, Ranchi, is quashed and set aside *qua* the petitioner named above.

13. In the result, this Cr.M.P. stands allowed.

(Anil Kumar Choudhary, J.)