

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No. 981 of 2025

1. Ram Satis Kurup @ Ram Satiya Kurup @ R Satish Kumar Kurup @
Ram Satish Kurup, son of Rama Krishna Kurup, aged about 64
years, resident of 110-A, Stag Adithya, Ashmini Layout,
Kormangala, P.O. & P.S.-Vivek Nagar, Dist.-Bangalore, Karnataka
2. Anil Kumar Singh @ Anil Kumar @ Anil Singh, s/o late Hari ram,
aged about 49 years, r/o G-15, Hindalco Colony, Renukoot,
Sonebhadra, P.O. & P.S.-Renukoot, Dist.-Sonebhadra, Uttar Pradesh
- Petitioners

Versus

1. The State of Jharkhand
2. M/s Vikash Tradelink (India) Pvt. Ltd., a company registered and
incorporated under the Companies Act having its registered office
and Business premises at Tata-Kendra Main Road, Near 'T' type
Adityapur, being represented by Rajendra Kumar Singh, s/o late
Dwarika Singh, r/o Bhatia Basti, Shiv path, P.O., P.S.-Kadma, Dist.-
East Singhbhum
- Opp. Parties

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioners : Mr. Indrajit Sinha, Advocate
: Ms. Rishi Bharti, Advocate
: Mr. Vincent Marki, Advocate

For the State : Mr. Vishwanath Roy, Spl. P.P.

By the Court:-

1. Heard the parties.
2. This criminal miscellaneous petition has been filed invoking the
jurisdiction of this Court under Section 528 of Bhartiya Nagrik
Suraksha Sanhita, 2023 with a prayer to quash and set aside the

entire criminal proceeding including the First Information Report arising out of Adityapur P.S. Case No. 66 of 2013 registered for the offences punishable under Sections 420, 406/34 of Indian Penal Code in which charge sheet has been submitted on 31.12.2018 and consequent upon the same, learned Chief Judicial Magistrate, Seraikella has taken the cognizance of the said offences on 31.01.2019 and the petitioners have not appeared in that case as yet.

3. The allegation against the petitioners is that the petitioners in furtherance of common intention with the co-accused persons with the intention to cheat the complainant played deception in a pre-planned manner and after deceiving, dishonestly and fraudulently induced the complainant to part with electrodes and by being so deceived, the complainant handed the petitioners the electrodes which he ought not have done; if he was not so being deceived and initially the petitioners, as part of playing deception since the beginning of the transaction, paid some money in a planned manner to gain confidence of the complainant, in order to cheat the complainant of a bigger amount of electrodes and ultimately succeeded in their evil design by taking huge amount of electrodes worth Rs.10,00,000/- but ultimately did not pay the same.
4. The complainant filed P.C.R. Case No. 172 of 2012 in the court Chief Judicial Magistrate, Seraikella which upon being referred to police under Section 156 (3) Cr.P.C., Adityapur P.S. Case No. 66 of

2013 was registered and police took up investigation of the case. After completion of investigation, police submitted charge sheet finding the allegation against the petitioners under Sections 420, 406/34 of Indian Penal Code and cognizance of the said offences was taken by the learned Chief Judicial Magistrate, Seraikella.

5. It is submitted by the learned counsel for the petitioner by relying upon the judgment of the Hon'ble Supreme Court of India in the case of **Delhi Race Club (1940) Ltd. and Others v. State of Uttar Pradesh and Another** reported in **2024 SCC OnLine SC 2248** that if a company does any offence, the company itself has to be made an accused. In this respect, learned counsel for the petitioners also relies upon the judgment of Hon'ble Supreme Court of India in the case of **Lalit Chaturvedi & Ors. vs. State of Uttar Pradesh & Anr.** reported in **2024 SCC OnLine SC 171**.
6. It is next submitted by the learned counsel for the petitioners that since the petitioner no.1 has been described as Director of Credence Infra Projects Pvt. Ltd. hence, without the company Credence Infra Projects Pvt. Ltd. being made a party, the learned Chief Judicial Magistrate, Seraikella has committed a grave illegality in taking cognizance against the petitioners. It is further submitted by the learned counsel for the petitioners that the allegations against the petitioners are all false. Hence, it is submitted that the prayer as made in this criminal miscellaneous petition be allowed.

7. The learned Special Public Prosecutor on the other hand vehemently opposes the prayer as made in this criminal miscellaneous petition and submits that this is a case where there is direct and specific allegation against the petitioners that the petitioners in their individual capacity approached the complainant and cheated him in a pre-planned manner, playing deception since the beginning of the transaction between them and the company has got nothing to do with the same so, under such circumstances, there is no illegality committed by the learned Chief Judicial Magistrate, Seraikella in taking cognizance of the offence. It is further submitted by learned Spl. P.P. that in view of the direct and specific allegation against the petitioners of committing the offence of cheating of huge amount of money, the offence punishable under Section 420 of Indian Penal Code is made out against the petitioners; therefore, there is no rhyme or reason to quash the entire criminal proceeding as prayed for by the petitioners in this criminal miscellaneous petition. 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, this Court finds that there is direct and specific allegation against the petitioners that the petitioners individually approached the complainant and in a pre-planned manner the petitioners played deception since the beginning of the transaction between the parties and cheated the

complainant by inducing in dishonest and fraudulent manner to part with electrodes worth Rs.10,00,000/-. Hence, this Court do not find any merit in the contention of the petitioners that cognizance of the offence taken by the learned Chief Judicial Magistrate, Seraikella is bad in law because of non-impleading of the company as a party to the complaint and at the most, the same is a defence of the petitioners, that it is the company which received the electrodes and if such evidence comes during the trial of the case, then there is every scope for arraying the company as an accused but in the facts of the case, when the allegation is directly and specifically against the petitioners, the entire criminal proceeding cannot be quashed and set aside when on the basis of the allegation, the offence punishable under Section 420 of Indian Penal Code is made out against the petitioners.

9. In view of the discussions made above, this Court do not find any merit in this criminal miscellaneous petition.
10. Accordingly, this criminal miscellaneous petition being without any merit is dismissed.
11. In view of the dismissal of this criminal miscellaneous petition, Interlocutory Application No. 6985 of 2025 is disposed of being infructuous.

(Anil Kumar Choudhary, J.)