

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No. 1110 of 2026

1. Abhishek Kumar, age 40 years, S/o Kari Paswan, R/o Bedipatti, P.O.- Jogyara, P.S.- Fekla, Bahadurpur, Darbhanga, Bihar
2. Janvi Kumari @ Jahnwi Kumari, Age- 29 years, W/o Abhishek Kumar, R/o Bedipatti, P.O.- Jogyara, P.S.- Fekla, Bahadurpur, Darbhanga, Bihar

..... Petitioners

Versus

The State of Jharkhand

..... Opposite Party

For the Petitioners	: Mr. Nilambar Jha, Adv. Mr. Vineet Prakash, Adv.
For the State	: Ms. Priya Shrestha, Spl. PP

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

By the Court:- Heard the parties.

2. This criminal miscellaneous petition has been filed invoking the jurisdiction of this Court under Section 528 of BNSS,2023 with the prayer to quash the chargesheet no. 134 of 2025 dated 16.05.2025, the order taking cognizance dated 09.06.2025 as well as the entire criminal proceeding in connection with G.R. case no.472 of 2025 arising out of Ramgarh P.S. case no. 291 of 2024 in which learned Magistrate has taken cognizance of the offences punishable under Sections 406, 420, 504, 506, 34 of IPC *inter alia* against the petitioners.
3. The allegation against the petitioners is that the petitioners have purchased the property of the informant for a total consideration amount of RS 1,75,00,000/- .They paid Rs. 29 lakhs as advance and also issued 5 different postdated cheques for Rs. 1,46,00,000/- in total; with the promise that the said cheques will be honoured and accordingly got the sale deed executed by the informant and others but the cheques were later on dishonoured by the bank.

When the informant demanded the outstanding amount, the petitioners abused and threatened the informant. On the basis of the written report submitted by the informant, police registered Ramgarh P.S. Case no. 291 of 2024, and took up investigation of the case and after completion of the investigation, police submitted charge sheet against the petitioners for having committed the offences as already indicated above.

4. It is next submitted by the learned counsel for the petitioners that the allegation against the petitioners are false and the property in respect of which, the sale has been executed by the informant, is owned by Mohammed Mohiuddin Ansari and Mohammed Allauddinn Ansari, hence the informant does not have any transferable right nor any Transferable rights was vested upon Ashwini Anand, Babli Anand and Anjali Anand, in respect of the land which was transferred by the informant by way of registered sale deed. It is next submitted that admittedly the petitioners have paid the advance and also issued the postdated cheques for the remaining consideration amounts and the consequence of the remaining consideration amount being not paid, will follow and the same is basically a civil dispute. It is further submitted that there is no averment made by the informant that he ever demanded amount of the cheques by issuing notice as is required under the proviso of Section 138 of NI Act, for obvious reasons as the informant knew pretty well that the petitioners have not issued any cheque to him in discharge of any debt. It is next submitted that even if the entire allegations are considered to be true in their entirety still neither of the offences punishable under section 406 of IPC nor the offence punishable under section 420 of IPC is made out against the petitioners and in absence of the ingredients of the offences punishable under sections under 504 and 506 of IPC, neither of the said offences is made out.
5. It is next submitted that the continuation of the criminal proceeding will amount to abuse of process of law and the same has been instituted for the purpose of wrecking vengeance by

giving cloak of a criminal case to a purely civil dispute. Hence, it is submitted that the prayer as prayed for by the petitioners in this criminal miscellaneous petition be allowed.

6. The learned Special P.P. on the other hand vehemently opposed the prayer and submits that the materials in the record is sufficient to constitute both the offence punishable under Section 406 of IPC as well as offence punishable under Section 420 of IPC as also offence punishable under sections 504 and 506 of IPC. 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 available in the record, it is pertinent to mention here that it is the admitted case of the informant that the informant has received Rs. 29,00,000/- as advance and has executed the sale deed in favour of the petitioners upon receiving five postdated cheques for the remaining portion of the consideration amount. Under such circumstances, the mere dishonour of the postdated cheques by itself will not amount to offence punishable under Section 406 or 420 of IPC.
8. So far as the offence punishable under Section 504 of IPC is concerned, the essential ingredients to constitute the said offence are as under :-
 - (i) *The accused intentionally insulted someone and*
 - (ii) *he thereby intended to give provocation to him and*
 - (iii) *he knew that it was likely that such provocation would cause the person to commit breach of peace or to commit any other offence.*
9. Now coming to the facts of the case, there is absolutely no allegation against the petitioners of intentionally insulting with intention to give provocation to the informant to commit breach of peace or to commit any other offence and in the absence of any ingredient, 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 still offence punishable under Section 504 of IPC is not made out.

10. So far as offence punishable under Section 506 of IPC is concerned, the essential ingredients to constitute the said offence are as under :-

- (i) the accused threatened some person some injury to his person, reputation or property; or to the person, reputation or property of someone in whom the former was interested;*
- (ii) the accused did so with intent to cause alarm to the victim;*
- (iii) the accused did so, because the victim performed any act, which he was not legally bound to do.*

11. Now coming to the facts of the case there is no allegation against the petitioners of threatening anyone of injury to his persons, reputation, or property, which may cause alarm to the victim. In the absence of this essential ingredient, this Court is of the considered view that even if the entire allegations are considered to be true in their entirety, still offence punishable under Section 506 of IPC is not made out.

12. In view of the discussions made; as none of the offence for in which the chargesheet has been submitted and the cognizance of the offence has been taken against the petitioners is made out against the petitioners, even if the entire allegation are considered to be true in their entirety and that the dispute between the parties is basically a civil dispute and a clock of criminal case has been given to a purely civil dispute for wrecking vengeance, hence, this Court is of the considered view that continuation of criminal proceeding will amount to abuse of process of law. Therefore, this is a fit case where the chargesheet no. 134 of 2025 dated 16.05.2025, the order taking cognizance dated 09.06.2025 as well as the entire criminal proceeding in connection with G.R. case no.472 of 2025 arising out of Ramgarh P.S. case no. 291 of 2024 be quashed and set aside *qua* the petitioner.

13. Accordingly, the chargesheet no. 134 of 2025 dated 16.05.2025, the order taking cognizance dated 09.06.2025 as well as the entire criminal proceeding in connection with G.R. case no.472 of 2025 arising out of Ramgarh P.S. case no. 291 of 2024 is quashed and set aside *qua* the petitioner.

14. In the result, this Criminal Miscellaneous Petition is allowed.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated, the 27th April, 2026
Smita / AFR

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