

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.1230 of 2024

Arti Sinha @ Aarti Sinha aged about 39 years D/O late Ramesh
Chandra, resident of Rajbari, P.O. & P.S. Mihijam, District Jamtara

... Petitioner

Versus

1. The State of Jharkhand

2. Rupak Sharma @ Ajay Sharma aged about 45 years S/O Vinod
Sharma, resident of Kurmipara, Mihijam, P.O. & P.S. Mihijam,
District Jamtara ... Opposite Parties

For the Petitioner : Ms. Pragati Prasad, Advocate
For the State : Mr. Rajesh Kumar, Addl.P.P.
For the O.P. No.2 : Mr. Ashutosh Pd. Joshi, Advocate
(Through V.C.)

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 482 of the Code of Criminal Procedure with the prayer to quash the order dated 30.03.2022 passed by the learned S.D.J.M., Jamtara in connection with P.C.R. Case No.86 of 2022 by which the learned S.D.J.M., Jamtara has found *prima facie* case for the offences punishable under Sections 379, 323 and 34 of the Indian Penal Code and taken cognizance of the said offences against the petitioner and the co-accused Sashi Bhushan.

3. Learned counsel for the petitioner submits that charge has not yet been framed in this case and the case is next fixed to 15.07.2026 for consideration of the discharge petition filed by the petitioner.

4. The allegation against the petitioner is that the petitioner, in furtherance of common intention with the co-accused persons, caused hurt to the complainant and committed theft of gold chain worth Rs.25,000/- from his neck; and also cash of rupees 1250/-from his pocket.

5. On the basis of the complaint, statement on solemn affirmation and the statement of the inquiry witnesses, the learned S.D.J.M., Jamtara has taken cognizance of the offences as already indicated above.

6. Learned counsel for the petitioner submits that the petitioner filed P.C.R. Case No.121 of 2015 in which vide judgment dated 01.02.2019, the opposite party No.2 has been convicted of the offence punishable under Section 501 of the Indian Penal Code and the opposite party No.2, after conviction, was given the benefit under Section 3 of the Probation of Offenders Act and after due admonition, the opposite No.2 was set free. The petitioner filed Criminal Appeal No.14 of 2019 for enhancement of quantum of sentence which was pending in the court of the learned Sessions Judge, Jamtara. The petitioner again filed P.C.R. Case No.82 of 2022 in the court of learned S.D.J.M., Jamtara against the opposite party No.2 for committing several offences and the prayer for anticipatory bail of the opposite party No.2 was rejected by the learned Additional Sessions Judge-II, Jamtara as well as the co-ordinate Bench of this Court vide order dated 12.06.2023 passed in A.B.A. No.5742 of 2022 and the Special Leave to Appeal has also been dismissed by the Hon'ble Supreme Court of India. It is next submitted that the opposite party No.2 has filed this P.C.R. Case No.86 of 2022 as a counter-blast just on the next day that is on 15.02.2022 of filing of P.C.R. Case No.82 of 2022 by the petitioner on 14.02.2022. It is further submitted that the learned S.D.J.M., without taking into consideration

the aforesaid facts, has taken cognizance of the offences. It is further submitted that the petitioner has surrendered in P.C.R. Case No.86 of 2022 and has been granted bail. It is also submitted that there is discrepancy in the place of occurrence in the statement made by the complainant and the inquiry witnesses as the complainant has stated that the place of occurrence is Station Road, Mihijam while the inquiry witnesses have stated that the occurrence took place in Railway Station, Chitranjan. It is also submitted that the petitioner is suffering from tongue carcinoma so, it is highly improbable that she will indulge in the alleged offence. Hence, it is submitted that the prayer, as prayed for in the instant Cr.M.P., be allowed.

7. Learned Addl.P.P. 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 there is direct and specific allegation against the petitioner of being in furtherance of common intention with the co-accused persons, both having caused hurt to the complainant/opposite party No.2 herein by assaulting him with kicks and fists blows of such magnitude that the complainant/opposite party No.2 fell down and also of committing theft of gold chain from the neck of the complainant/opposite party No.2 as well as Rs.1,250/- kept in the pocket of the complainant/opposite party No.2. It is further submitted that Mihijam is a place where on one side of the Railway Line, State of Jharkhand exists while on the other side of the Railway Line, the State of West Bengal exists. Under such circumstances, a minor discrepancy in the place of occurrence, cannot be a ground to quash the entire criminal proceedings when undisputedly, the allegation made against the petitioner, if are considered to be true, they are

sufficient to constitute each of the offences in respect of which cognizance has been taken by the learned S.D.J.M, Jamtara. Therefore, it is submitted that this Cr.M.P., being without any merit, be dismissed.

8. 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 it is a settled principle of law that at the time of taking cognizance of the offence, the Court has to consider only the averments made in the complaint and it is not open for the Court to sift or appreciate the evidence at that stage as has been decided by the Hon'ble Supreme Court of India in the case of **Rashmi Kumar (Smt) vs. Mahesh Kumar Bhada** reported in (1997) 2 SCC 397 which case was also relied by the Hon'ble Supreme Court of India in the case of **State of Bihar vs. Rajendra Agrawalla** reported in (1996) 8 SCC 164.

9. Now, coming to the facts of the case, there is direct and specific allegation against the petitioner that the petitioner along with three co-accused persons out of whom one is named and two are unnamed, caused hurt to the complainant/opposite party No.2 herein by beating him black and blue and making him fell down on the ground and committed theft of gold chain and Rs.1,250/- kept in him pocket. The allegations, if are considered to be true in their entirety, in the considered opinion of this Court, the same are sufficient to constitute the offences punishable under Section 379, 323, 34 of the Indian Penal Code.

10. Under such circumstances, this Court is of the considered view that no illegality has been committed by the learned S.D.J.M., Jamtara in taking cognizance of the said offences basing upon the materials available in the record and passing the summoning order by the impugned order dated

30.03.2022 passed by the learned S.D.J.M., Jamtara in connection with P.C.R. Case No.86 of 2022.

11. Accordingly, this Court is of the considered view that this is not a fit case which warrants interference of this Court under Section 482 of the Code of Criminal Procedure to accede to the prayer of the petitioner made in the instant Cr.M.P.

12. Accordingly, this Cr.M.P., being without any merit, is dismissed.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 22nd of June, 2026
AFR/ Animesh
Uploaded on- 23/06/2026