

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr.M.P. No. 1517 of 2023

Mahesh Kumar S/o, Ram Prawesh Singh, aged about 37
Years R/o Mahendrapur, Nayagoan, P.O.Mirzapur P.S.-
Mirzapur, District-Begusarai, Bihar Petitioner

Versus

1. The State of Jharkhand
2. Rajnath Varma S/o Radha Prasad Varma R/o,
Amlatola, P.O., P.S. & District- Katihar, Bihar, At
Present R/O Railway Q No. 08 D/A Railway Colony.
P.O. & P.S. - Pakur (T), Dist- Pakur, Jharkhand
..... Opposite Parties

For the Petitioner : Md. Yasir Arafat, Adv.

For the State : Mr. Manoj Kr. Mishra, Addl. 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 482 CrPC with the prayer of quashing and setting aside the order dated 05.08.2022 passed by learned ACJM, Pakur in connection with Pakur Town P.S. case no. 464 of 2015 corresponding to G.R. case no. 1080 of 2015 whereby and where under, learned ACJM, Pakur has taken cognizance of the offence punishable under Sections 406, 420 and 34 of IPC.
3. It is submitted by learned counsel for the petitioner that in the meanwhile, the charge has been framed against the petitioner but the petitioner has not challenged the charge framed against him. It is next submitted that though some of the witnesses have been examined but the petitioner does not know how many witnesses have been examined so far and to which date, the case is next fixed for and for which purpose the case is next fixed and whether the case has already been disposed of or not. It next submitted that the allegation against the petitioner is false hence the prayer as made in this criminal miscellaneous petition be allowed.

4. Learned Addl. PP vehemently opposes the prayer of the petitioner and submits that the petitioner has not come to court with clean hands and he is not ready to disclose that how many witnesses have been examined so far and whether the case is still pending or has been disposed of. It is next submitted that there is direct and specific allegation against the petitioner of cheating and thereby inducing the informant to part with the huge amount of money by alluring him with hefty returns and he has also committed the criminal breach of trust by dishonestly misappropriating of the property entrusted to him by the informant, hence, it is submitted that this Criminal Miscellaneous Petition being without any merit, be dismissed.
5. Having heard the submissions made at the Bar and after going through materials available in the record, it is pertinent to mention here that the petitioner has not come to court with clean hands and he is not ready to disclose before the court as to whether the trial in Pakur Town P.S. case no. 464 of 2015 is already over or not and he is not ready and willing to disclose as to how many witnesses have been examined and though charge has been framed against the petitioner, he has not challenged the charge framed against the petitioner. Further, there is direct and specific allegation against the petitioner of committing cheating as well as criminal breach of trust.
6. Under such circumstances, this court is of the considered view that keeping in view the conduct of the petitioner, this court is not inclined to accede to the prayer made by the petitioner in this Criminal Miscellaneous Petition.
7. Accordingly, this Criminal Miscellaneous Petition being without any merit is dismissed.

(Anil Kumar Choudhary, J.)

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

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