

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.1582 of 2023

1. Rajesh Ranjan @ Rajesh Jha @ Rajesh Kumar Jha, aged about 42 years, Son of Naresh Jha, Resident of Village- Khojwa, Post Office- Chilra, Police Station- Saraiyahat, District- Dumka, Jharkhand
2. Rajeev Kumar Jha, aged about 45 years, Son of Naresh Jha, Village- Khojwa, Post Office- Chilra, Police Station- Saraiyahat, District- Dumka, Jharkhand ... Petitioners

Versus

1. The State of Jharkhand
2. Sushil Kumar Jha, aged about 51 years, Son of Late Chakradhar Jha, Village- Khojwa, Post Office- Chilra, Police Station- Saraiyahat, District- Dumka, Jharkhand ... Opposite Parties

For the Petitioners : Mr. Peeyush Krishna Choudhary, Advocate
Mr. Amrit Anunay, Advocate
For the State : Mr. Manoj Kr. Mishra, Addl. P.P.
For the O.P. No.2 : Mr. Ravindra Nath, Advocate

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, 1973 with the prayer to quash the entire criminal proceedings of P.C.R. Case No.83 of 2021 as well as the order dated 13.05.2022 passed by the learned Judicial Magistrate-1st Class, Dumka whereby and where under the learned Magistrate has found *prima facie* case for the offences punishable under Sections 380, 385, 448, 504 of the Indian Penal Code read with Section 34 of the Indian Penal Code.

3. The allegation against the petitioners is that the petitioners, on 23.01.2021 at 3:15 pm, trespassed to the house of the complainant and committed theft of Rs.2,000/- from the bag of the wife of the complainant. There is further allegation against the petitioners that they are demanding extortion from the complainant and his wife by threatening his wife to get her suspended from her service as a teacher in a Government School and to kill her husband.

4. On the basis of the complaint, statement of the complainant on solemn affirmation and the statement of the inquiry witnesses, the learned Judicial Magistrate-1st Class, Dumka has found *prima facie* case for the offences as already indicated above.

5. Learned counsel for the petitioners submits that the petitioner No.1 has filed a counter-case being Saraiyahat P.S. Case No.28 of 2021. It is further submitted that charge has already been framed against the petitioners and witnesses have also been examined but the petitioners have suppressed this fact and have not come to the court with clean hands and want the charge framed against them to remain intact and only want the order by which the summons have been issued to the petitioners, be quashed. Hence, it is submitted that the prayer, as prayed for in this Cr.M.P., be allowed.

6. 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 petitioners made in the instant Cr.M.P. and submit that the charge has already been framed and witnesses have also been examined but the petitioners do not challenge the charge framed

against them because there is no illegality in the same. It is next submitted that the undisputed fact remains that if the allegations made against the petitioners 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 in fact, made out. Therefore, it is submitted that this Cr.M.P., being without any merit, be dismissed.

7. 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 undisputed fact remains that the charge has already been framed against the petitioners in this case by the trial court. The petitioners knowing pretty well that charge has been framed against them, have not challenged the same. The undisputed fact further remains that if the allegations made against the petitioners are considered to be true in their entirety; then the offences in respect of which the learned Magistrate has found *prima facie* case, is in fact made out against them. The only contention of the petitioners for quashing the entire criminal proceeding is that a counter-case has been filed by the petitioner No.1. It is a settled principle of law as has been held by the Hon'ble Supreme Court of India in the case of **T.T. Antony vs. State of Kerala & Others** reported in (2001) 6 SCC 181 that a case and counter-case can go together. Merely because a counter-case has been filed that is not by itself a ground to quash the other case filed by the other party.

8. Considering the fact that the petitioners have not come to the court with clean hands and as there is direct and specific allegation

against them of committing theft from the house of the complainant after trespassing to the house of the complainant and demanding extortion in furtherance of their common intention, this Court is of the considered view that this is not a fit case where the prayer of the petitioner, as prayed for in this Cr.M.P, be acceded to by this Court in exercise of its power under Section 482 of the Code of Criminal Procedure, 1973.

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

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 22nd of July, 2026
AFR/ Animesh
Uploaded on- 24/07/2026