

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.1413 of 2021

Suresh Prasad Sharma, aged about 70 years, S/o Late Shyam
Narayan Singh, resident of Datiyana, P.O.-Datiyana, P.S.-Vikram,
District-Patna (Bihar).

... Petitioner

Versus

The State of Jharkhand ... Opposite Party

For the Petitioner : Mr. Manoj Tandon, Advocate
: Mr. Siddharth Ranjan, Advocate
: Ms. Neha Bhardwaj, Advocate
For the State : Mr. Pankaj Kumar, P.P.

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 and set aside the entire criminal proceeding including the FIR being Garhwa P.S. Case No.129 of 2021 registered for the offences punishable under Sections 477-A, 409 and 420 of the Indian Penal Code and currently pending in the Court of learned Chief Judicial Magistrate, Garhwa.

3. The allegation against the petitioner is that the petitioner while posted as Senior Accounts Clerk of the Waterways Division, Garhwa had the dominion over his own service book and personal file and

unauthorizedly he has taken it from the office and kept with him personally. He has also cheated and dishonestly induced the government to part with Rs.18,99,252-/ which he was not entitled to get; had his personal file and service book been unavailable. The legal opinion was sought from the Government Advocate and the Government Advocate *inter alia* opined for institution of a criminal case and on the basis of the written report submitted by the present Senior Accounts Clerk of the Waterways Division, Garhwa, police registered Garhwa P.S. Case No.129 of 2021 involving the offences punishable under Sections 477-A, 409 and 420 of the Indian Penal Code.

4. Learned counsel for the petitioner submits that the investigation of the case is still going on and the charge sheet has not yet been submitted. It is next submitted that the allegation against the petitioner is false and absurd. It is next submitted that the payment of the outstanding retiral benefits of the petitioner was not made on the lame excuse of his service book being not available in the office and the FIR has been lodged falsely. It is next submitted that even if the entire allegations made in the FIR are considered to be true in their entirety, still no offence is made out against the petitioner and the criminal prosecution is carried on with mala fide intention.

5. Learned counsel for the petitioner next relies upon the judgment of the Hon'ble Supreme Court of India in the case of **State of Haryana and Others vs. Bhajan Lal and Others** reported in **1992 Supp (1) SCC 335** and submits that in para-102 thereof, the Hon'ble Supreme Court of India has

enumerated the category of cases by way of illustration, wherein the power under Section 482 of the Code of Criminal Procedure can be exercised by the High Court either to prevent abuse of the process of any court or otherwise to secure the ends of justice and this is a case which comes under such category of cases, hence, it is lastly submitted that the prayer as prayed for in this Cr.M.P., be allowed.

6. Learned P.P. appearing for the State on the other hand vehemently opposes the prayer of the petitioner made in the instant Cr.M.P and submits that there is also allegation against the petitioner of being public servant wilfully and with intent to defraud, has altered the service book of him which belongs to his employer, in order to get undue retiral benefit of over and above his admissible limit of him and accordingly, the same is sufficient to constitute the offence punishable under Section 477-A of the Indian Penal Code as well besides the offence of cheating and criminal breach of trust committed by a public servant and keeping in view the seriousness of the offence involved which provides for punishment of imprisonment for life, at this nascent stage, the prayer as prayed for by the petitioner ought not be allowed. 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, this Court finds that there is direct allegation against the petitioner of being a public servant committing criminal breach of trust as though being entrusted with the service book and personal file and having dominion over the

same, he has committed criminal breach of trust in respect of that property of the government and has altered the same to get undue retiral benefit over and above the entitlement of him by way of cheating and if the allegations made in the FIR and submission made by the learned public prosecutor are considered to be true in their entirety, there is sufficient material in the record to *prima facie* constitute the offences in respect of which the FIR has been registered.

8. Keeping in view the seriousness of the offences involved i.e. punishable under Section 409 of the Indian Penal Code; which provides punishment of imprisonment for life; this Court is of the considered view that this is not a fit case to quash the entire criminal proceeding in exercise of the power under Section 482 of the Cr.P.C.

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

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 25th of November, 2025
AFR/ Abhiraj

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