

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.2040 of 2025

Jyoti Tiwary @ Jyoti Singh, aged about 40 years, D/o- Late. S N
Tiwary, R/o- C 3/3 Mangala Apartment IP Extension, P.O.-
Patparganj, P.S.- Madhu Vihar, District- East Delhi, State- Delhi-
110092.

... Petitioner

Versus

1. The State of Jharkhand
2. Arti Kumari, D/o Deepak Kumar, R/O Devi Nagar Hesag,
Hatia, P.O- Hatia, P.S Jagarnathpur, Dist- Ranchi - 834003,
Jharkhand

... Opposite Parties

For the Petitioner : In person
For the State : Mr. Pankaj Kumar, P.P.
For the O.P. No.2 : None

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

By the Court:- Heard the parties.

2. Though notice has been validly served upon the opposite party No.2 yet no one turns up on behalf of the opposite party No.2 in spite of repeated calls.
3. This Criminal Miscellaneous Petition has been filed invoking the jurisdiction of this Court under Section 528 of the B.N.S.S., 2023 with the prayer to quash the entire criminal proceeding, including the order dated 06.05.2025 passed in Complaint Case No.1018 of 2023 whereby and where under the learned Judicial Magistrate-VI, Ranchi has found sufficient materials to proceed against the petitioner for having committed the offence punishable under Section 506 of the Indian Penal Code.

4. The allegation against the petitioner is that the petitioner threatened the complainant over phone that she will not spare the complainant and made the complainant disappear from Ranchi. The learned Judicial Magistrate-VI, Ranchi, basing upon the complaint, the statement on the solemn affirmation and the statement of the enquiry witnesses, has found *prima facie* materials as already indicated above to proceed against the petitioner.

2. The petitioner appearing in person relies upon the judgment of the Hon'ble Supreme Court of India in the case of **Manik Taneja & Another vs. State of Karnataka & Another** reported in (2015) 7 SCC 423 para-12 of which reads as under:-

"12. In the instant case, the allegation is that the appellants have abused the complainant and obstructed the second respondent from discharging his public duties and spoiled the integrity of the second respondent. It is the intention of the accused that has to be considered in deciding as to whether what he has stated comes within the meaning of "criminal intimidation". The threat must be with intention to cause alarm to the complainant to cause that person to do or omit to do any work. Mere expression of any words without any intention to cause alarm would not be sufficient to bring in the application of this section. But material has to be placed on record to show that the intention is to cause alarm to the complainant. From the facts and circumstances of the case, it appears that there was no intention on the part of the appellants to cause alarm in the mind of the second respondent causing obstruction in discharge of his duty. As far as the comments posted on Facebook are concerned, it appears that it is a public forum meant for helping the public and the act of the appellants posting a comment on Facebook may not attract ingredients of criminal intimidation in Section 503 IPC." (Emphasis supplied)

and submits that the Hon'ble Supreme Court of India in that case has held that the threat must be with intention to cause alarm to the complainant to cause that person to do or omit to do any work. Mere expression of any words without any intention to cause alarm would not be sufficient to bring in the application of Section 506 of the Indian Penal Code. The petitioner in-person next submits that there is absolutely no allegation against the petitioner that the

petitioner threatened the complainant in a manner with intention to cause alarm to the complainant, to cause the complainant to do or omit to do any work and in the absence of the same, even after the entire allegation made against the petitioner are considered to be true in their entirety, still the offence punishable under Section 506 of the Indian Penal Code is not made out against the petitioner. Hence, it is submitted that the prayer as prayed for in this Criminal Miscellaneous Petition be allowed.

5. Learned Public Prosecutor appearing for the State on the other hand vehemently opposes the prayer of the petitioner made in this Criminal Miscellaneous Petition and submits that the materials available in the records are sufficient to constitute the offence punishable under Section 506 of the Indian Penal Code. Hence, it is submitted that this Criminal Miscellaneous Petition, being without any merit, be dismissed.

6. 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 Hon'ble Supreme Court of India in the case of **Vikram Johar vs. State of Uttar Pradesh & Another** reported in **(2019) 14 SCC 207** para-25 of which reads as under :-

"25. Now, reverting back to Section 506, which is offence of criminal intimidation, the principles laid down by Fiona Shrikhande [Fiona Shrikhande v. State of Maharashtra, (2013) 14 SCC 44 : (2014) 1 SCC (Cri) 715] has also to be applied when question of finding out as to whether the ingredients of offence are made or not. Here, the only allegation is that the appellant abused the complainant. For proving an offence under Section 506 IPC, what are the ingredients which have to be proved by the prosecution? Ratanlal & Dhirajlal on Law of Crimes, 27th Edn. with regard to proof of offence states the following:

"... The prosecution must prove:

(i) That the accused threatened some person.

(ii) That such threat consisted of some injury to his person, reputation or property; or to the person, reputation or property of someone in whom he was interested;

(iii) That he did so with intent to cause alarm to that person; or to cause that person to do any act which he was not legally bound to do, or omit to do any act which he was legally entitled to do as a means of avoiding the execution of such threat."(emphasis supplied)

A plain reading of the allegations in the complaint does not satisfy all the ingredients as noticed above."

had the occasion to consider the essential ingredients for the offence punishable under Section 506 of the Indian Penal Code.

7. Now coming to the facts of the case that there is no allegation against the petitioner that the petitioner ever met the complainant nor there is allegation against the petitioner that the petitioner threatened the complainant with intention to cause alarm to the complainant or to cause the complainant to do any act which she was not legally bound to do. The only allegation against the petitioner is that of mere expression of words but in the absence of any alarm caused in the mind of the complainant by her and keeping in view the admitted fact of the complainant that she is an employee of the ex-husband of the petitioner and also the admitted case of the complainant about series of litigation going on between the petitioner and her ex-husband, this Court is of the considered view that the offence punishable under Section 506 of the Indian Penal Code is not made out against the petitioner, even if the entire allegations made against the petitioner are considered to be true in their entirety and this complaint case has been filed for the purpose of wrecking vengeance because of the strained relationship between the petitioner and her ex-husband and the series of litigation going on between them. Therefore, this is a fit case where the continuation of the criminal proceeding against the petitioner will amount to abuse of process of law

therefore the entire criminal proceedings including the order dated 06.05.2025 passed in Complaint Case No.1018 of 2023 by the learned Judicial Magistrate-VI, Ranchi be quashed and set aside *qua* the petitioner only.

8. Accordingly, the entire criminal proceedings including the order dated 06.05.2025 passed in Complaint Case No.1018 of 2023 by the learned Judicial Magistrate-VI, Ranchi is quashed and set aside *qua* the petitioner only.

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

10. In view of disposal of this Criminal Miscellaneous Petition, I.A. No.10919 of 2025 is disposed of being infructuous.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 13th of October, 2025
AFR/ Saroj

Uploaded on 15/10/2025