

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No. 1957 of 2024

Abhishek V. Unnithan, s/o K.V. Unnithan, aged about 39 years, r/o Q
No. 2217 Street-5 Sector -4/A, Bokaro Steel City, P.O. & P.S. -Sector 4,
Dist.-Bokaro, Jharkhand

.... Petitioner

Versus

1. The State of Jharkhand
2. Satish Nair, s/o unknown, r/o Shree Ayyappa Public School,
Sector-05, P.O. & P.S.-Bokaro Steel City, Dist.-Bokaro, Jharkhand

.... Opp. Parties

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioners	: Mr. Vishal Kr. Rai, Advocate
For the State	: Mr. Shailesh Kr. Sinha, Addl. P.P.
For O.P. No.2	: Mr. B.M. Tripathi, Sr. Advocate
	: Mr. Naveen Kr. Jaiswal, Advocate
	: Ms. Nutan Kri. Sharma, Advocate

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By the Court:-

1. Heard the parties.
2. This criminal miscellaneous petition has been filed invoking the jurisdiction of this Court under Section 482 Cr.P.C. with the prayer to quash the FIR, charge sheet and order taking cognizance dated 01.08.2022 passed by the learned Judicial Magistrate 1st Class, Bokaro as well as the entire criminal proceeding in connection with Bokaro Sector 6 P.S. Case No. 18 of 2022, corresponding to G.R. No. 780 of 2022 whereby and where under, the learned Judicial Magistrate 1st Class, Bokaro has taken cognizance of the offences punishable under Sections 447, 420, 477, 427, 379 and 506/34 of the Indian Penal Code against the

petitioner consequent upon submission of charge sheet by the police upon finding the allegations against him to be true.

3. The allegations against the petitioner are that the petitioner in furtherance of common intention with the co-accused persons on 26.04.2022 at about 14:00 hours being a member of gang of cheaters trespassed to the premises of the school by breaking open the lock. The petitioner in furtherance of common intention with the co-accused persons criminally intimidated the staffs of the school, committed mischief by tampering with the confidential documents of the school and took away the rubber stamp, letter head of the sangham. The petitioner and the co-accused persons also committed theft of the confidential documents connected with CBSE and the co-accused person has cheated and committed forgery by preparing a forged document in the name of the sangham.
4. On the basis of the written report submitted by the informant, police registered Sector 6 P.S. Case No. 18 of 2022 and took up investigation of the case. Police found the allegations against the petitioner to be true upon investigation of the case and submitted charge sheet against the petitioner while continuing investigation against rest of the co-accused persons, who have absconded.
5. On the basis of the charge sheet, learned Judicial Magistrate 1st Class, Bokaro has taken cognizance of the offences as already indicated above in G.R. No. 780 of 2022, corresponding to Sector 6 P.S. Case No. 18 of 2022.

6. It is submitted by the learned counsel for the petitioner that though no *prima facie* case is made out against the petitioner still police has submitted charge sheet against the petitioner. It is next submitted by the learned counsel for the petitioner that there is no individual by the name of Satish Nair and the petitioner is a life member of Ayyapa School & Sangham and he visited Ayyappa School on 26.04.2022 to extend best wishes to the newly elected committee, assuming office. It is further submitted by the learned counsel for the petitioner that the petitioner being a life member has free access to the school and temple premises hence, the offence punishable under Section 447 of the Indian Penal Code is not made out. It is then submitted by the learned counsel for the petitioner that since the petitioner initiated legal action against the illegal occupancy of the office and fraudulent activities of the informant-Satish Nair and his accomplices, hence this false case has been foisted against him. It is lastly submitted that the prayer as made in this criminal miscellaneous petition be allowed.
7. The learned Addl. P.P. and the learned Senior Advocate appearing for the opposite party no.2 on the other hand vehemently oppose the prayer as prayed for by the petitioner in this criminal miscellaneous petition. It is submitted by the learned Senior Advocate appearing for the opposite party no.2 that in paragraph no.2 of the case diary, restatement of the informant has been mentioned wherein, he has not only stated his own name but has also stated his age and parentage as well as his permanent and

present address. It is next submitted by the learned Senior Advocate appearing for the opposite party no.2 that the petitioner himself has filed O.S. No. 37 of 2022 in the court of Civil Judge (Jr. Div.), Bokaro against Satish Nair and has withdrawn the same after finding no merit in the same but the fact remains that since the petitioner has himself filed the original suit against Satish Nair, the petitioner is debarred from taking the plea that there is no person namely Satish Nair; more so when in his own statement made before the police under Section 41A Cr.P.C., he has not taken the plea that there is no person namely Satish Nair. It is also submitted by the learned Senior Advocate appearing for the opposite party no.2 that since in paragraph no.20 of this criminal miscellaneous petition, the petitioner has taken the plea that he has initiated legal action against Satish Nair and his accomplices; the plea of the petitioner that no person namely Satish Nair exists, is a contradictory plea which is not sustainable in law. It is further submitted by learned Addl. P.P. and the learned Senior Advocate appearing for the opposite party no.2 that there is direct and specific allegation against the petitioner of being in furtherance of common intention with the co-accused persons having trespassed to the school and sangham, committed mischief, criminally intimidated the staffs of the school and committed theft of the valuables. It is also submitted by learned Addl. P.P. and the learned Senior Advocate appearing for the opposite party no.2 that the plea of the petitioner that the allegations against him are

all false is at best a defence of the petitioner, which he can take during the full-dress trial of the case but the same is not a ground to quash the entire criminal proceeding. Hence, it is submitted that this criminal miscellaneous petition being without any merit be dismissed.

8. Having heard the submissions made at the Bar and after going through the materials available in the record, it is pertinent to mention here that the only contention of the petitioner is that the allegations against him are all false. As has rightly been submitted by the learned Addl. P.P. and the learned Senior Advocate appearing for the opposite party no.2 that the same is at best a defence of the petitioner; which the petitioner can take during the trial of the case.
9. It is a settled principle of law, as has been held by the Hon'ble Supreme Court of India in the case of **State of Madhya Pradesh vs. Awadh Kishore Gupta & Ors.** reported in **2004 2 Supreme 501** that the defence of the accused person and the veracity of the contention put forth by the accused, cannot be considered in exercise of jurisdiction under Section 482 Cr.P.C. by the High Court, as that would be job of the trial court.
10. It is also a settled principle of law as has been held by the Hon'ble Supreme Court of India in the case of **Uttar Pradesh & Anr. vs. Akhil Sharda & Ors.** reported in **2022 LiveLaw SC 594** wherein the Hon'ble Supreme Court of India reiterated the settled principle of law that no mini trial can be conducted by the High

Court in exercise of power under Section 482 Cr.P.C, the relevant portion of which reads as under :-

“Having gone through the impugned judgment and order passed by the High court has set aside the criminal proceedings in exercise of powers under Section 482 CrPC, it appears that the High Court has virtually conducted a mini trial, which as such is not permissible at this stage and while deciding the application under Section 482CrPC. As observed and held by this court in a catena of decisions, no mini trial can be conducted by the High Court in exercise of power under Section 482CrPC, jurisdiction and at the stage of deciding the application under Section 482CrPC, the High Court cannot get into appreciation of evidence of the particular case being considering. (Emphasis supplied)

11. Now coming to the facts of the case, there is direct and specific allegation against the petitioner that the petitioner in furtherance of common intention with the co-accused persons trespassed to the premises of the school and sangham, committed mischief by tampering with the evidence and destroying them, committed theft of the confidential documents relating to CBSE and criminally intimidated the staff members of the school concerned; which in the considered opinion of this Court is sufficient to constitute the offence in respect of which cognizance has been taken by the learned Judicial Magistrate 1st Class, Bokaro.
12. The undisputed fact remains that police after investigation of the case found the allegations to be true and has submitted charge sheet and basing upon the charge sheet, the learned Judicial Magistrate 1st Class, Bokaro has taken cognizance of the said offences.

13. So far as the contention of the petitioner that the informant has not produced any identity document and no person as Satish Nair exists is concerned, the said submission has no legs to stand in view of the conduct of the petitioner wherein he has filed O.S. No. 37 of 2022 in the court of Civil Judge (Jr. Div.), Bokaro against Satish Nair.
14. Under such circumstances, this Court is of the considered view that there is no justifiable reason to accede to the prayer of the petitioner in exercise of its power under Section 482 of the Code of Criminal Procedure.
15. Accordingly, this criminal miscellaneous petition being without any merit is dismissed.
16. The interim relief granted earlier vide order dated 13.02.2025 is vacated.
17. Registry is directed to intimate the court concerned forthwith.
18. In view of the dismissal of this criminal miscellaneous petition, interlocutory applications, if any, is disposed of being infructuous.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 25th November, 2025
AFR/Sonu-Gunjan/-

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