

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No. 1963 of 2024

Prashant Malani @ Prashanth Malani, Aged about 39 Years, S/o - Ramesh Kumar Malani, Resident of Flat No. 2F/606, Arya Hamsa Apartment, 80 Feet Road, Royal Kaunty -1 Phase, J. P. Nagar, VII Phase P.O. & P.S. - Talaghatpura, District - Bangalore, State Karnataka
At present Resident of Flat No. 302, Block-1, Bob Colony, Aishwarya Splendour Apartment, 24th Main Road, J.P. Nagar, 7th Phase, P.O.J.P. Nagar, P.S.- Puttenhalli, District-Bangalore, State- Karnataka
..... Petitioner

Versus

1. The State of Jharkhand
2. Nikita Malani, Aged about 31 Years, W/o - Prashant Malani @ Prashanth Malani Resident of Flat No. , 2F/606, Arya Hamsa Apartment, 80 Feet Road Royal Kaunty 1 Phase, J. P. Nagar, VII Phase, P.O. & P.S. Talaghatpura, District - Bangalore State Karnataka
At present address D/o Santosh Kumar Somani, Resident of village Isari Bazar, P.O. - Isari Bazar, P.S. Nimiaghat, Dist. Giridih, Pin - 825167
..... Opposite Parties

For the Petitioner : Mr. Rakesh Kr. Gupta , Adv.
For the State : Ms. Vandana Bharti, Addl. PP
For the Petitioner : Mr. P.C.Roy , Adv.
Mr. Manoj Kr. Bhagat , Adv.

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 CrPC with the prayer for quashing and setting aside the entire criminal proceeding as well as the order dated 05.12.2022 passed by learned JMFC, Giridih in connection with Complaint case no. 529 of 2022 by which , learned Magistrate, has found prima facie case for the offence punishable under Section 323, 498A of the IPC and Section 4 of the D.P. Act, to proceed against the petitioner .

3. The allegation against the petitioner is that the petitioner being the husband of the complainant demanded dowry of Rs. 5,00,000/- to be brought by the complainant from her parents' house and in March 2019 when the complainant with the petitioner and their children came to paternal house, the petitioner did not agree to take her back to his house unless the dowry demand was met and was adamant on fulfilment of unlawful demand of Rs. 5,00,000/- as dowry and only upon the father of the complainant promising to pay the said unlawful demand of Rs. 5,00,000/- within six months, the petitioner agreed to take the complainant back to his house but as the said unlawful demand of the petitioner could not be met within the said six months, the petitioner harassed the complainant for coercing her to meet the said unlawful demand of him and on 07.09.2021, the petitioner left the knob of the gas cylinder open. On 14.09.2021, the father of the complainant, came to Bangalore and tried to make the petitioner understand but the petitioner did not agree and drove out the complainant out from her matrimonial house. On the basis of the complaint, statement of the complainant on Solemn Affirmation and the statement of the inquiry witnesses learned Magistrate found the *prima facie* case for the said offences and passed the summoning order.
4. It is submitted by learned counsel for the petitioner that the allegations against the petitioners are false. The petitioner is ready and willing take the complainant with full dignity and honour as his lawful wife, hence it is submitted that the prayer as made in this criminal miscellaneous petition be allowed.
5. Learned Addl. PP and learned counsel for the opp. party no. 2 on the other hand vehemently oppose the prayer of the petitioner and submit that there is direct and specific allegation against the petitioner of treating the complainant with cruelty in connection with demand of dowry causing hurt to her, hence it is submitted that learned Magistrate has rightly passed the summoning order in respect of the offences, as already indicated above, hence it is

submitted that this Criminal Miscellaneous Petition being without any merit, be dismissed.

6. 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 only contention of the petitioner to quash the entire criminal proceeding is that the allegations against him are false but it is a settled principle of law that the High Court in exercise of its power under Section 482 of CrPC cannot consider the defence of the accused person or veracity of the evidence put forth by the accused person as that would be the job of the trial court, as has been held by the Hon'ble Supreme Court of India in the case of **State of Madhya Pradesh versus Awadh Kishore Gupta & Ors.** reported in **2004 2 Supreme 501**.
7. It is also a settled principle of law that the High Court under Section 482 of CrPC cannot conduct a mini trial as has been held by the Hon'ble Supreme Court of India in the case of **State of Uttar Pradesh & Anr. vs. Akhil Sharda & Ors.** reported in **2022 LiveLaw SC 594**, 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)

8. Now coming to the facts of the case, as already indicated above there is direct and specific allegation against the petitioner of harassing the complainant in various manner for coercing her to meet the unlawful demand of Rs. 5 lakhs. Further, there is direct and specific allegation of demanding dowry of Rs. 5 lakhs by the petitioner to be brought by the complainant from her parents' house and also causing hurt to her by pushing and driving her out from her matrimonial house.

9. Under such circumstances, this Court is of the considered view that there is no justifiable reason to accede to the prayer of the petitioner as prayed for in this Criminal Miscellaneous Petition in exercise of power under Section 482 of CrPC.
10. Accordingly, this Criminal Miscellaneous Petition being without any merit is dismissed.

(Anil Kumar Choudhary, J.)

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

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