

IN THE HIGH COURT OF JHARKHAND AT RANCHI
C.M.P. No. 57 of 2026

Chandra Shekhar

..... **Petitioner(s)**

Vrs.

Sri Madhusudan Agrawal & others

..... **Opposite Party(s)**

.....

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Petitioner : Mr. Pranay Kumar Sinha, Advocate

For the O.P-State : Mrs. Sunita Kumari, A.C to Sr.S.C.-II

02/02.02.2026 In support of his contention in the present C.M.P., learned counsel for the petitioner has relied upon judgment of the Hon'ble Supreme Court in the case of *N Natarajan Vrs. B.K. Subba Rao* reported in **2002 LawSuit (SC) 1171**, specifically para 8, which is quoted here under:

[8] In our view it is not necessary to pursue the approach of either of the party. It is well settled that in criminal law that a complaint can be lodged by anyone who has become aware of a crime having been committed and thereby set the law into motion. In respect of offences adverted to in S. 195, Cr. P.C. there is a restriction that the same cannot be entertained unless a complaint is made by a Court because the offence is stated to have been committed in relation to the proceedings in that Court S. 340, Cr. P.C. is invoked to get over the bar imposed under S. 195, Cr. P.C. In ordinary crimes not adverted to under S. 195, Cr. P.C., if in respect of any offence, law can be set into motion by any citizen of this country, we fail to see how any citizen of this country cannot approach even under S. 340, Cr. P.C. For that matter, the wordings of S. 340, Cr. P.C. are significant. The Court will have to act in the interest of justice on a complaint or otherwise. Assuming that the complaint may have to be made at the instance of a party having an interest in the matter, still the Court can take action in the matter otherwise than on a complaint, that is, when it has received information as to a crime having been committed covered by the said provision.

Therefore, it is wholly unnecessary to examine this aspect of the matter. We proceed on the basis that the respondent has locus standi to present the complaint before the Designated Judge.

2. Issue notice upon the opposite party no.1 to 4 through speed post as well under ordinary process, for which, requisites etc. must be filed within one week, failing which, the present petition shall stand dismissed without further reference to the Bench.
3. Put up this case on 16.03.2026.
4. Till further order, proceeding in connection with Execution Case No. 146 of 2018 pending before the learned Sub Judge-I, Ranchi shall remain stayed.

(Rajesh Kumar, J.)

02.02.2026
A. Mohanty/Raja
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