

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No. 2266 of 2023

1. Kashinath Singh Choudhary, aged about 64 years, S/o Late Shivilal Singh Choughary
2. Rajiv Kumar Singh Choudhary @ Rajiv Choudhary @ Mantu, aged about 42 years, S/o Kashinath Singh Choughary.
3. Santosh Singh Choudhary @ Santu, aged about 34 years, S/o Kashinath Singh Choughary, R/o -Village -Chutiyaro, P.O. - Kharni, P.S. -Barwadda, District -Dhanbad.

.... Petitioners

Versus

1. The State of Jharkhand
2. Ganesh Singh Choudhary, S/o Late Sripati Singh Choughary, R/o - Village -Chutiyaro, P.O. -Kharni, P.S. -Barwadda, District - Dhanbad.

.... Opp. Parties

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

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For the Petitioners	: Mr. Nityanand Pd. Choudhary, Advocate
For the State	: Mr. Manoj Kr. Mishra, Addl. P.P.
For the O.P. No.2	: Mr. Ashok Kr. Pandey, 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 of Cr.P.C. with the prayer to quash the entire criminal proceeding arising out of Barwadda P.S. Case No. 101 of 2021, corresponding to G.R. Case

No. 696 of 2022 including the order taking cognizance dated 09.03.2022, passed by the learned Judicial Magistrate -1st Class, Dhanbad whereby and where under the learned Judicial Magistrate -1st Class, Dhanbad has taken cognizance of the offence punishable under Section 323, 341, 342, 325, 34 of the Indian Penal Code basing upon which charge sheet has been submitted by the police after investigation of the case against the petitioners.

3. The allegation against the petitioners is that the on 19.04.2021 at about 06:00 to 06:30 P.M., the petitioners came to the house of the informant-victim uninvited and dragged the informant out of his house and with an intention to kill him, beat him up with sticks (lathi/danda) and throttled his neck. On uproar being raised by the informant, the witnesses came and rescued the informant. The informant was admitted in the Surgery Ward of the Shahid Nirmal Mahto Medical College and Hospital. Police recorded the *fradbeyan* of the informant in the said hospital and on the basis of the same registered Barwadda P.S. Case No. 101 of 2021 and took up investigation of the case and after completion of the investigation, police submitted charge sheet against the petitioners for having committed the said offences and on the basis of the same, the learned Judicial Magistrate -1st Class, Dhanbad has taken cognizance of the said offences.

4. It is submitted by the learned counsel for the petitioner relying upon the Judgment of the Hon'ble Supreme Court of India in the

case of **Paramjeet Batra Vs. State of Uttarakhand and Others**, reported in (2013) 11 SCC 673 wherein the Hon'ble Supreme Court of India recorded the word of caution for the High Courts while exercising its jurisdiction under Section 482 of the Code of Criminal Procedure and has observed that this power is to be used sparingly and only for the purpose of preventing the abuse of process of any court or otherwise to secure the ends of justice. In that case it was also observed that a complaint disclosing civil transactions may also have criminal texture but the High Court must see that if a civil remedy is available and is in fact adopted, the High Court should not hesitate to quash the criminal proceeding to prevent abuse of process of court. It is next submitted that the occurrence took place because of land dispute between the parties. The learned counsel for the petitioners further submits that the allegations against the petitioners are general and omnibus in nature and this false case has been foisted to harass the petitioners. It is next submitted that a series of cases has been filed by the brothers of the informant against the petitioners alleging the petitioners having caused hurt to them on several occasions. Hence, it is submitted that the prayer as prayed for by the petitioners in this criminal miscellaneous petition be allowed.

5. The Learned Additional Public Prosecutor and the learned counsel for the opposite party no.2 on the other hand vehemently

opposes the prayer as prayed for by the petitioners in this criminal miscellaneous petition and submits that the undisputed fact remains that the informant sustained grievous injuries and was admitted to Shahid Nirmal Mahto Medical College and Hospital and his *fardbeyan* has been recorded while he was in the Surgery Ward of the said Medical College and Hospital, admitted there as an indoor present. It is next submitted that there is direct and specific allegation against the petitioners that the petitioners caused grievous hurt to the informant by beating him up with sticks, in furtherance of their common intention. The allegations against the petitioners were found to be true by the police during the investigation. The petitioners are bent upon harassing the informant and his brothers and on several occasions earlier also they have beaten up the informant and his brothers. So for each occurrence, the informant and his brothers, being law abiding citizens have approached the police and cases has been lodged but that cannot be a ground to quash the entire criminal proceedings of this case, when the allegations against the petitioners were found to be true by the police during the investigation of the case and the undisputed fact remains that informant sustained grievous injuries and was admitted in Surgery Ward of Shahid Nirmal Mahto Medical College and Hospital. 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 the materials in the record, so far as the Judgment of the Hon'ble Supreme Court of India in the case of **Paramjeet Barta Vs. State of Uttarakhand and Others** (Supra) is concerned, certainly the same is a settled principle of law but so far as the facts of this case is concerned, there is direct and specific allegation against the petitioners that the petitioners in furtherance of their common intention beat up the informant causing grievous injury to the informant; besides wrongfully confining him and wrongfully restraining him. The said allegations were found to be true during the investigation of the case by the I.O. of the case and on the basis of the same, police submitted charge sheet.
7. Under such circumstances, this Court is of the considered view that there is no justifiable reason to accede to the prayer as prayed for by the petitioners in this criminal miscellaneous petition in exercise of its power under Section 482 of the Code of Criminal Procedure
8. Accordingly, this criminal miscellaneous petition being without any merit is dismissed.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 10th March, 2026
AFR/Sonu-Gunjan/-

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