

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No.2259 of 2020

Gayasuddin Ansari, aged about 56 years, Son of Hafiz
Jamaluddin Ansari, Resident of- Village- New Pindergoria, P.O.
and P.S.- Chas, District- Bokaro, State - Jharkhand.

... Petitioner

Versus

1. The State of Jharkhand
2. Yasmin Khatoon, Daughter of Late Moti Mastan, Resident of-
New Pindergoria, Chas, P.O. and P.S.- Chas, District- Bokaro,
State- Jharkhand.

... Opposite Parties

For the Petitioner : Mr. Hemant Kr. Shikarwar, Advocate
For the State : Mrs. Laxmi Murmu, GP-I
Mr. Anil Kr. Singh, AC to GP-I
Mrs. Amrita Banerjee, AC to GP-I
For the O.P. No.2 : Mr. Rakesh Kumar, Advocate
Md. Altmash Khan, Advocate

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 the Code of Criminal Procedure with the prayer to quash the entire criminal proceeding including the order dated 22.06.2020 arising out of Chas (Mahila) P.S. Case No. 01 of 2020 corresponding to G.R. Case No. 484 of 2020 whereby and where under consequent upon submission of charge

sheet against the petitioner, the learned Chief Judicial Magistrate, Bokaro has taken cognizance of the offences punishable under Sections 498A, 420 of the Indian Penal Code.

3. The allegation against the petitioner is that the petitioner solemnized marriage with the informant as per the Islamic Customs & Rituals on 13.05.2017. After marriage, the petitioner subjected the informant to cruelty by his willful conduct by bringing different men with him and telling the informant to establish physical relationship with them. As the informant was not give in to the said proposal of the petitioner; the petitioner by his willful conduct, stopped giving food and clothes to the informant and also beat her up severely causing grave injury and danger to her life, limb and health both mental and physical. There is also allegation against the petitioner of deceiving the informant and with dishonest and fraudulent intention after being so deceived, by use of force, obtaining signature of the informant on blank papers and bond papers which the informant ought not have done, had she not been so deceived. On the basis of the written report submitted by the informant, police registered Bokaro (Mahila and Child Protection) P.S. Case No. 01 of 2020 and took up investigation of the case and after completion of the investigation, police submitted charge sheet against the petitioner for having committed the offences punishable under Sections 498A, 420 of the Indian Penal Code and basing upon the same, the learned Chief Judicial Magistrate, Bokaro has taken cognizance of the said offences as already indicated above.

As the proceedings before the learned trial court was stayed by the order of this Court in this case, hence, the case could not proceed before the learned trial court till date.

4. Learned counsel for the petitioner submits that the allegation against the petitioner is false. The informant in an inforamatory petition filed before the learned Chief Judicial Magistrate, Bokaro vide Misc. Crl. Application No. 1784 of 2019 referred the petitioner as one of her neighbours and who works in Bokaro Steel Limited and at times the petitioner used to give money to the informant and it is alleged by the earlier husband of the informant that the informant is having illicit relationship with the petitioner and has solemnized marriage with him. It is next submitted that *Nikahnama* was demanded by the family members of the petitioner and after going through the *Nikahnama*, the petitioner, his family members and his neighbours tore out the same and drove out the informant from her matrimonial house by threatening her. It is further submitted that the informant is not the wife of the petitioner and the purported signature of the petitioner in the *Nikahnama* is forged one. Hence, it is submitted that the prayer as prayed for in this Criminal Miscellaneous Petition be allowed.

5. Learned counsel appearing for the State on the other hand vehemently oppose the prayer of the petitioner made in this Criminal Miscellaneous Petition and drawing the attention of this Court to the counter-affidavit filed on behalf of the State, learned counsel for the State submits that the witnesses whose statement appears in para-2, 3,

7, 11, 25, 26, 29 and 35 of the case-diary, have supported the case of the prosecution and the police has also seized the *Nikahnama* as mentioned in para-16 of the case-diary; which falsifies the claim of the petitioner that he never solemnized marriage with the informant. The witnesses have categorically stated that the petitioner and the informant are wife and husband. It is next submitted that the landlords of the different houses where the petitioner resided with the informant, whose statement appears in para-11, 25 and 29 of the case-diary, have also supported the case of the prosecution and the alleged averments made in the informatory petition is of no significance and the petitioner who obtained the signature on the blank sheets might have used the same for the purpose of filing the informatory petition purported to have been filed by the informant. Hence, it is submitted that this Criminal Miscellaneous Petition, being without any merit, be dismissed.

6. Learned counsel for the opposite party No.2 on the other hand also vehemently oppose the prayer of the petitioner made in this Criminal Miscellaneous Petition and drawing attention of this Court to the counter-affidavit filed on behalf of the opposite party No.2, the learned counsel for the opposite party No.2 submits that she has stated in our counter-affidavit about her marriage with the petitioner in West Bengal and the certificate issued by the Muslim Marriage Registrar and Kazi appointed by the Government of West Bengal contains the joint photograph of the petitioner and the informant as well and the same goes to show that the claim of the petitioner is out and out false. It is

next submitted that the purported informatory petition filed by the petitioner as Annexure-3, is a manufactured document which was never filed by the informant. It is further submitted that the informant-opposite party No.2 has already divorced Arshad Alam on 16.12.2016 and the Certificate of the Divorce issued by the Kazi which is annexed as Annexure-B to the counter-affidavit, goes to show that on 13.05.2017 when the informant married with the petitioner, her earlier marriage with Arshad Alam was already dissolved. Hence, it is submitted that this Criminal Miscellaneous Petition, being without any merit, be dismissed.

7. Having heard the rival submission made at the Bar and after carefully going through the materials available in the record, this Court finds that the only ground upon which the petitioner seeks the prayer as prayed for in this Criminal Miscellaneous Petition is that he is not the husband of the informant and he never solemnized marriage with informant but the documents which has been filed by the opposite party No.2-informnat along with her counter-affidavit particularly the Certificate of Marriage issued by the Muslim Marriage Registrar and Kazi appointed by the Government of West Bengal; which also has the joint photograph of the petitioner and the informant-opposite party No.2 and which photograph has not been specifically challenged or denied by the petitioner. So, this falsifies the claim of the petitioner that he is not the husband of the informant. The other ground of the petitioner that the informant was earlier married with Arshad Alam,

hence, the second marriage could not have taken place with the petitioner is concerned, the same is without any merit as the Annexure-B to the counter-affidavit filed by the petitioner, itself goes to show that the informant divorced Arshad Alam on 16.12.2016 and subsequently on 13.05.2017, she has married the petitioner. Yet other ground of the petitioner is that the informatory petition was purported to have been filed by the informant wherein she has described the petitioner as her brother is concerned, the same is categorically denied by the informant and she has categorically stated that she has not filed any such informatory petition.

8. Under such circumstances, in view of the materials available in the record, this Court is of the considered view that there is no justifiable reason to quash the entire criminal proceeding when the materials available in the record suggest that there is no force in the claim of the petitioner and even otherwise also it being a settled principle of law that the defence of the petitioner and the veracity of the evidence put forth by the accused person of the case is not to be entertained by the High Court in exercise of its jurisdiction under Section 482 of the Code of Criminal Procedure.

9. Under such circumstances, this Court is of the considered view that there is no reason to accede to the prayer of the petitioner made in this Criminal Miscellaneous Petition in exercise of its power under Section 482 of the Code of Criminal Procedure.

10. Accordingly, this Criminal Miscellaneous Petition, being without any merit, is dismissed.

11. In view of dismissal of this Criminal Miscellaneous Petition, the interim relief granted earlier vide order dated 07.02.2022 is vacated.

12. The Registry is directed to intimate the court concerned forthwith.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 20th of January, 2026
AFR/ Saroj

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