

IN THE HIGH COURT OF JHARKHAND AT RANCHI
CrMP No. 1990 of 2021

Abhay Kumar Mishra ... Petitioner
Versus
The State of Jharkhand & Ors. ... opp. parties

With
W.P. (Cr.) No. 358 of 2019

Sri Ram Krishna Seva Singh Vivekanand Vidya Mandir ... Petitioner
Versus
The State of Jharkhand ... Respondent

With
W.P. (Cr.) No. 268 of 2021

Abhay Kumar Mishra ... Petitioner
Versus
The State of Jharkhand & Ors. ... Respondents

With
CrMP No. 2179 of 2021

Kashi Nath Mukherjee & Anr. ... Petitioners
Versus
The State of Jharkhand & Ors. ... opp. parties

With
CrMP No. 2353 of 2021

Malay Kumar Nandi & Anr. ... Petitioners
Versus
The State of Jharkhand & Ors. ... opp. parties

Coram: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioners : Mr. Ajit Kumar, Sr. Adv.
Mr. Krishna Prajapati , Adv.
Mrs. Akritishree, Adv.
Mr. Anshuman Mishra , Adv.
For the opp. party : Ms. Priya Shrestha, Spl. PP.
Mr. Ashutosh Anand, AAG III.
Mr. Binit Chandra, AC to AAG III
: Mr. Mahesh Tewari (In person in CrMP No. 1990 of 2021, W.P.(cr.) 268
of 2021 and for respondent nos. 7 to 11 in W.P.(cr.)
358 of 2019)

Heard the parties.

2. Learned senior counsel for the petitioner submits that this interlocutory application has been filed with the prayer to add the Inspector General of Police, Crime Investigation Department, Jharkhand, as the opp. party no. 5, though it has been erroneously mentioned in the interlocutory application that the Inspector General of Police, Crime Investigation Department, Jharkhand, may be impleaded as party respondent no. 4. It is next submitted that this writ petition has been filed with a prayer for quashing the FIR on the ground that the FIR is misuse of provisions of Code of Criminal Procedure. It is next submitted that the FIR has been filed by the informant, in person, in a representative capacity for his clients on the basis of the documents supplied by him which is an act of fomenting litigation. It is further submitted by learned senior counsel for the petitioner that several false cases have been lodged against the present writ petitioner and another false case having been filed vide Jagarnathpur P.S. case no. 191 of 2020. The writ petitioner also filed W.P. (Cr.) no. 278 of 2021 in connection with Jagarnathpur P.S. case no. 191 of 2020 for completion of the investigation or for handing over the investigation to different investigating agency. It is next submitted that the officer-in-charge of Jagarnathpur Police Station, in the said W.P. (Cr.) no. 278 of 2021 has intimated that Jagarnathpur P.S. case no. 191 of 2020 has been transferred to the Crime Investigation Department, Jharkhand, Ranchi by the orders of the the Director General of Police, Jharkhand- cum Inspector General of Police, Jharkhand and the Director General of Police, Jharkhand has also directed in that order that supervision of all cases, will now be conducted by the Inspector General of Police, Crime Investigation Department, Jharkhand, Ranchi. It is next submitted that vide memo no. 4256 dated 29.08.2024, three other cases, i.e. in total four cases, being Jagarnathpur P.S. case no. 294 of 2017, Jagarnathpur P.S. case no. 298 of 2017, Jagarnathpur P.S. case no. 314 of 2017 and Jagarnathpur P.S. case no. 191 of 2020,

have been transferred to Crime Investigation Department, Jharkhand, Ranchi. It is next submitted by learned senior counsel for the petitioner that vide order contained in memo no. 4256 dated 29.08.2024 issued under the seal and signature of the Director General of Police cum Inspector General, *de-novo* investigation has been directed to be conducted by the Crime Investigation Department, hence, the said Inspector General of Police of Crime Investigation Department is required to be impleaded as party opp. party no. 5 of this petition.

3. Mr. Mahesh Tewari, the opp. party no. 4, appearing in person, submits that he has no objection to the prayer of the petitioner.
4. Considering the aforesaid facts, the prayer is allowed.
5. The registry is directed to incorporate the Inspector General of Police, Crime Investigation Department, Jharkhand, whose address has been mentioned in page 14 of the interlocutory application, as the party opp. party no. 5 in the cause title of the criminal miscellaneous petition.
6. This interlocutory application is disposed of accordingly.

(ANIL KUMAR CHOUDHARY, J.)

I.A. No. 1212 of 2023 (in CrMP No. 1990 of 2021)

1. The opp. party no. 4, appearing in person, has filed this interlocutory application and submits that this interlocutory application has been filed with a prayer to vacate the interim order of stay of no coercive step, issued in favour of the petitioner vide order dated 15.09.2022, extended by the subsequent orders, time to time. It is next submitted by the opp. party no. 4, appearing in person, that the opp. party no. 4, in fact, meant and prays for vacating the interim order of no coercive step issued in favour of the petitioner vide order dated 15.09.2021 but inadvertently, the word “stay’ has been mentioned in the prayer portion in page 10 of this interlocutory application and the year of the order has wrongly been mentioned as 2022. It is next submitted by the opp. party no. 4, appearing in person, that in the counter affidavit, the respondent –State i.e. the Investigating officer of the case, in

para 22 has mentioned that the custodial interrogation of the five named accused persons, is required by the Investigating officer. Learned Judicial Magistrate, Ranchi vide order dated 24.08.2021, in connection with Jagarnathpur P.S. case no. 314 of 2017, has issued non-bailable warrant of arrest against the petitioner and others. It is next submitted that vide order dated 15.09.2021, the Predecessor Judge in roster, has ordered that in view of the facts mentioned therein, till the next date, the petitioner shall not be arrested in connection with Jagarnathpur P.S. case no. 314 of 2017, corresponding to G.R. case no. 4984 of 2017. It is next submitted that the pleadings are complete and the State has already filed the counter affidavit and as the pleadings are complete, the order of no coercive steps granted in favour of the petitioner being Abhay Kumar Mishra and others, be vacated as the informant is suffering because of interim order and the investigation could also not be completed, in the absence of the custodial investigation of the petitioner and if the interim order is not vacated, the informant shall suffer serious prejudice, as the petitioner is reaping the benefit of the interim order and continuously misappropriating the huge amount of the fund of Vivekananda Vidya Mandir, hence, it is submitted that the prayer as made in this interlocutory application be allowed.

2. Learned senior counsel for the petitioner, on the other hand vehemently, opposes the prayer for vacating the interim order. It is next submitted by the learned senior counsel that this interlocutory application is full of errors and mis-representation. It next submitted that no order dated 15.09.2022 has been passed in I.A. no. 4808 of 2021 nor any order for stay of no coercive steps has been passed, hence, this interlocutory application is a misconceived one. It is further submitted by learned senior counsel for the petitioner that one order was passed in CrMP No. 1990 of 2021 on 15.09.2021 and same was passed after hearing both the parties on merit and the same is a reasoned order; which has been passed after considering the principle of law settled by the Hon'ble Supreme Court of India in several cases, the ratios of which are relevant to the facts of this case. It is

further submitted by the learned senior counsel for the petitioner, that as this Court vide order dated 28.02.2025 passed in I.A. No. 2512 of 2025 has allowed the prayer of the petitioner to implead the Inspector General of Police of Crime Investigation Department as party opp. party no. 5 of this petition and the State has prayed for time, which has also been allowed by this Court, hence, by no stretch of imagination, it can be said that the pleadings are complete; which is the only ground upon which, the opp. party no. 4 has prayed for vacation of the interim order, hence, it is submitted that this interlocutory application being full of errors, misleading and being without any merit, be dismissed.

3. Having heard the submissions made at the Bar and after going through the materials in the record, it is pertinent to mention here that true it is, that the interlocutory application admittedly, so far as the prayer is concerned, is full of errors. As, neither the date of the order, sought to be vacated, has correctly been mentioned, nor the relief of interim order granted, has been correctly mentioned. Otherwise also, the only ground for vacation of the interim order is that the pleadings have been completed, which is not a fact anymore, in view of the developments which took place in this case, consequent upon allowing of the interlocutory application no. 2512 of 2025. Perusal of the record reveals that the order dated 15.09.2021 passed in CrMP No. 1990 of 2021 is a reasoned order and there is no scope for this Bench to review the order passed by the Predecessor Judge in the roster, in a Criminal Miscellaneous Petition, which has been filed invoking the jurisdiction of this Court under Section 482 of the CrPC. The petitioner cannot be said to be at fault or delaying the disposal of this matter; because this Court itself, on the opp. party no. 4, submitting that he does not have any objection, has allowed the prayer to implead the Inspector General of Police, Crime Investigation Department, Jharkhand, as the party opp. party no. 5 and prayer for time has been granted to the State.
4. Under such circumstances, this Court is of the considered view that there is no justifiable reason particularly, when the

petitioner is not at fault in any delay in disposal of this criminal miscellaneous petition; to vacate the reasoned order passed by the Predecessor Judge in the roster, dated 15.09.2021 in CrMP No. 1990 of 2021, which has been extended from time to time by subsequent orders.

5. Accordingly, this interlocutory application being without any merit is dismissed.

(ANIL KUMAR CHOUDHARY, J.)

CrMP No. 1990 of 2021

Ms. Priya Shrestha, learned Special PP receives notice on behalf of the opp. party no. 5 and prays for four weeks' time.

Prayer is allowed.

List this criminal miscellaneous petition after four weeks.

(ANIL KUMAR CHOUDHARY, J.)

I.A. No. 2513 of 2025 (in W.P. (Cr.) No. 358 of 2019)

1. Learned senior counsel for the petitioner submits that this interlocutory application has been filed with the prayer to add the Inspector General of Police, Crime Investigation Department, Jharkhand, as the party respondent no. 12, though it has been erroneously mentioned in the interlocutory application that it may be impleaded as party respondent no. 11. It is next submitted that this writ petition has been filed with a prayer for completion of investigation of Jagarnathpur P.S. case no. 298 of 2017. It is next submitted that the FIR has been filed by the informant, in person, in a representative capacity for his clients on the basis of the documents supplied by him which is an act of fomenting litigation. It is further submitted by learned senior counsel for the petitioner that several false cases have been lodged against the present writ petitioner and another false case having been filed vide Jagarnathpur P.S. case no. 191 of 2020. The writ petitioner also filed W.P. (Cr.) no. 278 of 2021 in connection with Jagarnathpur P.S. case no. 191 of 2020 for

completion of the investigation or for handing over the investigation to different investigating agency. It is next submitted that the officer-in-charge of Jagarnathpur Police Station, in the said W.P. (Cr.) no. 278 of 2021 has intimated that Jagarnathpur P.S. case no. 278 of 2021 has been transferred to the Crime Investigation Department, Jharkhand, Ranchi by the orders of the Director General of Police, Jharkhand and the Director General of Police, Jharkhand has also directed in that order that supervision of all cases, will now be conducted by the Inspector General of Police, Crime Investigation Department, Jharkhand, Ranchi. It is next submitted that vide memo no. 4256 dated 29.08.2024, three other cases, i.e. in total four cases, all of Jagarnathpur P.S. case no. 294 of 2017, Jagarnathpur P.S. case no. 298 of 2017, Jagarnathpur P.S. case no. 314 of 2017 and Jagarnathpur P.S. case no. 191 of 2020, have been transferred to Crime Investigation Department, Jharkhand, Ranchi. It is next submitted by learned senior counsel for the petitioner that vide order contained in memo no. 4256 dated 29.08.2024 issued under the seal and signature of the Director General of Police cum Inspector General, wherein, *de-novo* investigation has been directed to be conducted by the Crime Investigation Department, hence, the said Inspector General of Police of Crime Investigation Department is required to be impleaded as party respondent no. 12 of this petition.

2. Mr. Mahesh Tewari, learned counsel for the respondent nos. 7 to 11, vehemently opposes the prayer to implead the Inspector General of Police of Crime Investigation Department, Jharkhand as party respondent no. 12 of this petition. It is submitted by Mr. Tewari that this writ petition itself has become infructuous as the prayer made in this writ petition, was for issuance of writ, order, direction commanding upon the respondents for completion of Jagarnathpur P.S. case no. 298 of 2017 and Final Report no. 466 of 2020 dated 13.12.2022, has been submitted by police in Jagarnathpur P.S. case no. 298 of 2017 for lack of evidence against the named accused persons of that case, hence, there is no way the investigation of the case could be transferred to the Crime Investigation Department, Jharkhand on

29.08.2024. It is next submitted by Mr. Tewari that in the absence of any order passed by any competent court under Section 173 (8) of the CrPC, there is no way that the investigation of the case can continue, after submission of the Final Report.

3. Learned counsel for the State on the other hand vehemently opposes the contention of Mr. Tewari that the investigation of Jagarnathpur P.S. case no. 298 of 2017 is already over and further submits that the investigation of the said case is still going on.
4. Having heard the submissions made at the Bar and after going through the materials in the record, it is pertinent to mention here that before taking up the hearing of this interlocutory application, this Court asked all the respondents whether they want to file written reply to the interlocutory application or not, then Mr. Mahesh Tewari, learned counsel for the respondent nos. 7 to 11 has categorically stated that the respondent nos. 7 to 11, do not want to file any written reply to the interlocutory application.
5. Perusal of the record reveals that it has categorically been mentioned in para 7 of this interlocutory application, that vide memo no. 5256 dated 29.08.2024, the Director General of Police cum Inspector General of Police has *inter alia* transferred Jagarnathpur P.S. case no. 298 of 2017 to the Crime Investigation Department, Jharkhand, Ranchi and the copy of the order has also been annexed at page 24 of this interlocutory application.
6. Under such circumstances, as the respondent nos. 7 to 11 have chose not to controvert the averments made in para 7 of this interlocutory application and in view of the submissions made by learned counsel for the State being the respondent nos. 1 to 6 of this writ petition, this Court is of the considered view that this is fit case where the prayer to implead the Inspector General of Police, Crime Investigation Department, Jharkhand, as the party respondent no. 12 of this writ petition is allowed.
7. The registry is directed to incorporate the Inspector General of Police, Crime Investigation Department, Jharkhand, whose address has been mentioned in para 14 of the interlocutory

application, as the party respondent no. 12 in the cause title of the writ petition.

8. This interlocutory application is disposed of accordingly.

(ANIL KUMAR CHOUDHARY, J.)

W.P. (Cr.) No. 358 of 2019

Mr. Binit Chandra, learned AC to AAG III, appearing on behalf of the State receives notice on behalf of the respondent no. 12 and prays for four weeks' time.

Prayer is allowed.

List this writ petition after four weeks.

(ANIL KUMAR CHOUDHARY, J.)

I.A. No. 2514 of 2025 (in W.P. (Cr.) No. 268 of 2021)

Learned senior counsel appearing for the petitioner prays for time to intimate this Court as to whether the petitioner will withdraw the W.P. (Cr.) No. 268 of 2021 or CrMP No. 1990 of 2021 as the prayer made in both the cases are same i.e. for quashing the First Information Report being Jagarnathpur P.S. case no. 314 of 2017.

Prayer is allowed.

List this petition after four weeks.

(ANIL KUMAR CHOUDHARY, J.)

CrMP No. 1990 of 2021 with W.P. (Cr.) No. 358 of 2019 with W.P. (Cr.) No. 268 of 2021 with CrMP No. 2179 of 2021 and with CrMP No. 2353 of 2021

In view of the orders passed in the above cases, list all these cases after four weeks.

The interim order, if any, passed earlier shall continue till next date of listing of these cases.

(ANIL KUMAR CHOUDHARY, J.)

Smita/-