

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P. (Cr.) No. 677 of 2024

1. Babulal Marandi, aged about 65 years, S/o Late Chhotu Marandi, R/o Village -Kodaibank, Chandouri, P.O. and P.S. - Tasri, Dist -Giridih.
2. Karamveer @ Karmveer, S/o Niranjan Singh, aged about 52 years, R/o Kushk Gali, Mathura, P.O. and P.S. -Mathura, District -Mathura, Uttar Pradesh -281001.
3. Shashank Raj, S/o Mithilesh Prasad Dutta, aged about 33 years, R/o Madhukam Shastri Chowk, Ratu Road, P.O. Ratu Road, P.S. Sukhdeo Nagar, Dist -Ranchi.
4. Kushwaha Shashi Bhushan, aged about 67 years, S/o Shivlochan Mehta, R/o House No. 66, Village -Koiripatra, P.O. and P.S. Lesliganj, Dist -Palamau.
5. Dulu Mahto, aged about 49 years, S/o Puna Mahto, R/o Village -Chaitahi Tundu, Near Lake, P.O. and P.S. Tundu, Dist -Dhanbad.
6. Pratul Shah Deo @ Pratulnath Shahdeo, aged about 62 years, S/o Justice LPN Shahdeo, R/o HI-101, Harmu Housing Colony, Near Shajanand Chowk, P.O. Doranda, P.S. -Harmu, Dist -Ranchi.
7. Amar Kumar Buari @ Amar Bauri, aged about 46 years, S/o Ramnath Bauri, R/o Chandankiyari Bazar, P.O. and P.S. Chandankiyari, Dist -Bokaro.
8. Mangal Murti Tiwari, S/o Ramanuj Tiwari, aged about 40 years, R/o Ward No. 10, Village -Chetna, P.O. and P.S. - Garhwa, Dist -Garhwa.
9. Satyendra Nath Tiwari, S/o Ramkrishna Tiwari, aged about 60 years, R/o Belhara, P.O. and P.S. Belhara, Dist -Garhwa.
10. Aparna Sengupta, W/o Subrato Sengupta, aged about 56 years, R/o Poddardaih, P.O. and P.S. -Poddardaih, Dist - Dhanbad.

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11. Amit Kumar, S/o Ram Naresh Singh, aged about 49 years, R/o Sarv Mangla Apartment, Sukhdeo Nagar, P.O. and P.S. Ratu Road, Dist -Ranchi.
12. Amardeep Yadav, S/o Chhotelal Gope, aged about 40 years, R/o 50, Bada Bazar, Gwal Toli, Near Devi Mandap, P.O. and P.S. -Sadar, Dist -Hazaribagh.
13. Dr. Neera Yadav, W/o Vijay Yadav, aged about 53 years, R/o Ward No. 6, Koderma, Jharitanr, Inderwa, P.O. and P.S. Inderwa, Dist -Koderma.
14. Arti Kujur, D/o Umara Sadho Kujur, aged about 49 years, R/o Khijri, P.O. and P.S. Namkum, Dist -Ranchi.
15. Varun Kumar, S/o Gopal Prasad, aged about 39 years, R/o Gopal Ganj, Pyada Toli, Upper Bazar, P.O. G.P.O., P.S. Kotwali, Dist -Ranchi.
16. Indu Shekhar Mishra, aged about 46 years, S/o Sachchida Nand Mishra, R/o 311, Sector 3/C, Bokaro Steel City, P.O. and P.S. Bokaro, Dist -Bokaro.
17. Pradip Kumar Varma @ Pradip Kumar Verma @ Pradeep Kumar Verma, aged about 52 years, S/o Seth Ram Autar Prasad, R/o 313, Ranchi Puruliya Road, Birla Campus, P.O. and P.S. Mahilong, Dist -Ranchi.
18. Aditya Prasad @ Aditya Sahu, S/o Chatur Saw, aged about 61 years, R/o Kuchu, P.O. and P.S. Kuchu, Dist -Ranchi.

.... Petitioners

Versus

The State of Jharkhand through the Director General of Police, officiating from his office at Nepal House, P.O. and P.S. - Doranda, Ranchi -834002.

.... Respondent

With

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1. Arjun Munda, aged about 56 years, S/o Late Ganesh Munda, R/o Ghorbandha, Jamshedpur, P.O. Luabasa, P.S. Govindpur, District -East Singhbhum.
2. Sanjay Seth, aged about 64 years, S/o Late Chand Narayan Seth, R/o Karuna Sadan, West End Park, Near SIRD, Hehal, P.O. and P.S. Hehal, Dist -Ranchi.
3. Vishnu Dayal Ram, aged about 73 years, Late Mukha Ram, R/o Near Sainik Theatre, Police House, Bariatu, P.O. and P.S. Bariatu, Dist -Ranchi.
4. Sushil Dubey @ Sushil Kumar Dubey, aged about 49 years, S/o Ramesh Kumar Dubey, R/o Road No. 1, Hanuman Mandir, Near Saraswati Sishu Mandir, Krishnapuri, P.O. and P.S. Chutia, Dist -Ranchi.
5. Raj Sinha, aged about 63 years, S/o Pradhan Sinddh Nath, R/o Bungalow No. 21, Near Central Hospital, Old Doctors' Colony, Nutandi, Jagjivan Nagar, P.O. and P.S. Nutandi, Dist -Dhanbad.
6. Bidyut Baran Mahato @ Vidyut Varan Mahato, aged about 63 years, S/o Surendra Mahato, R/o Village -Krishnapur, Forest Block, Adityapur Industrial Area, P.O. and P.S. Adityapur Industrial Area, Dist -Saraikela -Kharsawan.
7. Deepak Prakash, aged about 63 years, S/o Late Bipin Bihari Prasad, R/o House No. 231, Ashok Kunj, Near Lions' Club, Ashok Nagar, P.O. -Doranda, P.S. -Argora, Dist -Ranchi.
8. Nilkanth Singh Munda @ Nealkanth Singh Munda, aged about 56 years, S/o T. Muchiray Munda, R/o Jamtoli Murhu, P.O. and P.S. Murhu, Dist -Khunti.
9. Chandreshwar Prasad Singh, aged about 67 years, S/o Late Jai Mohan Singh, R/o Dipty Para, P.O. and P.S. -Lalpur, Dist -Ranchi.

10. Bhanu Pratap Shahi @ Bhanu Pratap, aged about 48 years, S/o Late Lal Hemendra Pratap Dehati, R/o Kadawan, P.O. – Parsodih, P.S. –Bhawanathpur, Dist –Garhwa.
11. Sanjeev Vijayvergia, aged about 54 years, S/o Prabhu Prasad Vijayvergia, R/o Prabhu Shila, Kokar Chowk, Near Mamta Cloth Store, P.O. and P.S. –Kokar, Dist –Ranchi.
12. Kunal Yadav @ Kumar Kunal, aged about 41 year, S/o Brij Mohan Yadav, R/o Upper Bazar, Guwal Toli, Mahavir Chowk, P.O. G.P.O., P.S. –Kotwali, Dist –Ranchi.
13. Geeta Kora, aged about 41 years, W/o Madhu Korah, R/o Patahatu Maluka, P.O. and P.S. –Maluka, Dist –West Singhbhum.
14. Madhu Korah @ Madhu Kora, aged about 53 years, S/o Rasika Korah, R/o Patahatu Maluka, P.O. and P.S. Maluka, Dist –West Singhbhum.
15. Narayan Das, aged about 58 years, S/o Dasrath Das, R/o Village –Radhemodar, P.O. and P.S. Koeridih, Dist –Deoghar.
16. Dr. Yadunath Pandey, aged about 68 years, S/o Swami Nath Pandey, R/o House No. 1145A, Kali Babu Street, Mahabir Chowk, Upper Bazar, P.O. –G.P.O., P.S. –Kotwali, Dist – Ranchi.
17. Kedar Hazra, aged about 61 years, S/o Damar Hajra, Village –Karodih, P.O. Berhadab, P.S. Jamua, Dist –Jamua.
18. Navin Jaiswal, aged about 51 years, S/o Shiv Shankar Prasad Jaiswal, R/o 13, Church Road, Near Kali Mandir, P.O. – G.P.O., P.S. –Hindipiri, Dist –Ranchi.
19. Ramesh Kumar Singh, aged about 48 years, S/o Late Manager Singh, R/o Indrapuri, Road No. 13, Ratu Road, P.O. and P.S. Ratu Road, Dist –Ranchi.
20. Pushpa Devi, aged about 53 years, W/o Manoj Kumar, R/o House No. 314, Gauri Shankar Nagar, P.O. and P.S. Doranda, Dist –Ranchi.

21. Ramchandra Chandravanshi, aged about 78 years, S/o Late
Shahdev Dhandravanshi, R/o Garh Devi Muhalla, P.O. and
P.S. -Garhwa, Dist -Garhwa.

.... Petitioners

Versus

The State of Jharkhand through the Director General of Police,
officiating from his office at Nepal House, P.O. and P.S. -
Doranda, Dist -Ranchi -834002.

.... Respondents

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioners : Mr. Prashant Pallav, Advocate
: Mr. Parth Jalan, Advocate
For the Resp.-State : Mr. Ashutosh Anand, AAG-III

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By the Court:-

1. Heard the parties.
2. Since both these writ petitions have been filed invoking the jurisdiction of this Court under Article 226 of the Constitution of India with the common prayer for issuance of appropriate writ/order/direction for quashing the F.I.R. being Lalpur P.S. Case No. 203 of 2024 along with the entire criminal proceeding, pending in the court of learned Judicial Magistrate, Ranchi, hence both the writ petitions are disposed of by this common judgment.
3. It is submitted by the learned counsel for the petitioners that the investigation of the case is going on and Police Report has not yet been submitted.
4. The brief fact of the case is that the F.I.R. of Lalpur P.S. Case No. 203 of 2024 has been registered on the basis of written report

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submitted by the informant –Executive Magistrate wherein, it has been alleged that the Youth Wing of Bharatiya Janata Party was granted permission to hold a Political Rally known as Akrosh Rally from 09:00 A.M. to 05:00 P.M. on 23.08.2024 with the participation of about ten thousand persons, with the condition that there will be no breach of law and order and proper parking arrangement has to be made. It is alleged that the petitioners who are the Members of Bharatiya Janata Party through their provocative speeches were contemplating to Gherao the residence of the Hon'ble Chief Minister of Jharkhand. Security arrangements like deputation of inter-alia the informant as Magistrate was made. Barricades and drop gates were installed around the "Morabadi Maidan" where the rally was to take place. A large number of male and female police personnel were deputed at the site. It is alleged that the petitioners delivered provocative speeches one after the other and exhorted the participants to Gherao the residence of the Hon'ble Chief Minister of Jharkhand. They also exhorted the persons assembled to break down the barricades installed by the police to reach the residence of Hon'ble the Chief Minister of Jharkhand. The Sub-Divisional Magistrate imposed restriction under Section 163 of B.N.S.S. with a radius of 500 metre around the "Morhabadi Maidan" excluding the Maidan itself and around 100 metre of the Residence of the Hon'ble Chief Minister of Jharkhand. There was three layer barricades around the "Morhabadi Maidan" and some of the

petitioners and others broke two layers of barricades to march towards the residence of Hon'ble Chief Minister of Jharkhand. The persons assembled were addressed and cautioned by the Sub-Divisional Officer, informing about the prohibitory order imposed under Section 163 of the B.N.S.S. and that there is also prohibition for making Gherao of the Residence of the Hon'ble Chief Minister. In the ensuing commotions, several police personnel sustained injuries. There is also allegation that stones were pelted by some of the persons, other than the petitioners upon the police, which the stone pelters kept in their pockets and in total 25 Kg of stones were recovered from the place of occurrence, after the occurrence but there is no description as to how many stones totaled to 25 Kg. Water cannon, tear gas, stun guns and stun grenade were lobbed by the police, at the agitators and at this they fled away from the place of occurrence.

5. It is submitted by the learned counsel for the petitioners that none of the penal provisions of law in respect of which the F.I.R. has been registered is attracted against any of the petitioners and the F.I.R. militates against the right guaranteed to the petitioners, under Article 19 of the Constitution of India. It is next submitted by the learned counsel for the petitioners that right to protest goes to the very root of the democratic set up of this Country. The action of the police in preventing the petitioners and other members to reach the residence of the Hon'ble Chief Minister to air their grievances, by putting huge barriers and barbed wires

around the site was to provoke and intimidate the participants of the rally and the same is fortified from the fact that the police was armed with water cannons, stun guns and grenades by surrounding persons assembled at the “Morhabadi Maidan” from all corners; even though around the “Morhabadi Maidan” ground is far away from the residence of the Hon’ble Chief Minister. It is then submitted that since permission for assembly was granted by the administration, so by no stretch of imagination, it can be said that the assembly was unlawful. It is next submitted that there is no allegation against any of the petitioners doing any act, deed or thing which resulted in getting any person hurt physically.

6. The learned counsel for the petitioners relies upon the Judgment of Hon’ble Supreme Court of India in the case of **Mahmood Ali and Others Vs. State of Uttar Pradesh and Others**, reported in **(2023) 15 SCC 488** para 12 & 13 of which reads as under:-

“12. We say so because once the complainant decides to proceed against the accused with an ulterior motive for wreaking personal vengeance etc. then he would ensure that the FIR/complaint is very well drafted with all the necessary pleadings. The complainant would ensure that the averments made in the FIR/complaint are such that they disclose the necessary ingredients to constitute the alleged offence. Therefore, it will not be just enough for the Court to look into the averments made in the FIR/complaint alone for the purpose of ascertaining whether the necessary ingredients to constitute the alleged offence are disclosed or not.”

“13. In frivolous or vexatious proceedings, the Court owes a duty to look into many other attending circumstances emerging from the record of the case over and above the averments and, if need be, with due care and circumspection try to read in between the lines. The Court while exercising its jurisdiction under Section 482CrPC or Article 226 of the Constitution need not restrict itself only to the stage of a case but is empowered to take into account the overall circumstances leading to the initiation/registration of the case as well as the materials collected in the course of

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investigation. Take for instance the case on hand. Multiple FIRs have been registered over a period of time. It is in the background of such circumstances the registration of multiple FIRs assumes importance, thereby attracting the issue of wreaking vengeance out of private or personal grudge as alleged."

7. Relying upon the Judgment of a Co-ordinate Bench of this Court in **W.P.(Cr.) No. 158 of 2024 along with its analogous cases, dated 14.08.2024**, it is submitted by the learned counsel for the petitioners that the Co-ordinate Bench of this Court in a similar matter relating to the protest hold by the Bharatiya Janata Party on 11.04.2023 has quashed the entire criminal proceeding arising out of Dhurwa P.S. Case No. 107 of 2023 and the **Special Leave Petition (Criminal) Diary No(s). 56468 of 2024 dated 27.01.2025** filed by the State of Jharkhand against the said Judgment has been dismissed. It is next submitted by the learned counsel for the petitioners that for the same reasons, as has been mentioned in a similar matter, by the Co-ordinate Bench in **W.P.(Cr.) No. 158 of 2024 along with its analogous cases**; the prayer made in this writ petition be also allowed.
8. The learned AAG-III on the other hand vehemently opposes the prayer made by the petitioners in these writ petitions. It is submitted by the learned AAG-III that the photographs taken at the place of occurrence goes to show that the petitioners provoked the persons assembled lawfully to do unlawful act of using force against the public servant –police personnel who were deployed at the place of occurrence to crush the barrier set up by the police around the “Morhabadi Maidan” and to reach the house of the

Hon'ble Chief Minister, for making a Gherao of the same. It is next submitted that because of the provocation given by the petitioners, the co-accused persons caused hurt to the police personnel and the injury reports of the police personnel have been annexed as Annexure-E Series of the counter affidavit which of course shows only simple injuries having been sustained by some police personnel like superficial laceration, abrasion, swelling and pain. Hence, it is submitted that as all the offences in respect of which F.I.R. has been registered is made out against the petitioners, therefore, at this nascent stage, the entire criminal proceeding or for that matter, the F.I.R. ought not to be quashed and this writ petition being without any merit be dismissed.

9. Having heard the submissions made at the Bar and after going through the materials in the record, it is pertinent to mention here that in the case of **Anita Thakur and Others. Vs. Government of Jammu & Kashmir**, reported in (2016) 15 SCC 525 the Hon'ble Supreme Court of India has the occasion to consider the justification for holding peaceful demonstrations in order to air the grievances by observing thus in para -12 & 15 which reads as under:-

"12. We can appreciate that holding peaceful demonstration in order to air their grievances and to see that their voice is heard in the relevant quarters is the right of the people. Such a right can be traced to the fundamental freedom that is guaranteed under Articles 19(1)(a), 19(1)(b) and 19(1)(c) of the Constitution. Article 19(1)(a) confers freedom of speech to the citizens of this country and, thus, this provision ensures that the petitioners could raise slogan, albeit in a peaceful and orderly manner, without using offensive language. Article 19(1)(b) confers the right to assemble and, thus, guarantees

that all citizens have the right to assemble peacefully and without arms. Right to move freely given under Article 19(1)(d), again, ensures that the petitioners could take out peaceful march. The “right to assemble” is beautifully captured in an eloquent statement that “an unarmed, peaceful protest procession in the land of “salt satyagraha”, fast-unto-death and “do or die” is no jural anathema”. It hardly needs elaboration that a distinguishing feature of any democracy is the space offered for legitimate dissent. One cherished and valuable aspect of political life in India is a tradition to express grievances through direct action or peaceful protest. Organised, non-violent protest marches were a key weapon in the struggle for Independence, and the right to peaceful protest is now recognised as a fundamental right in the Constitution.”

*“15. Thus, while on the one hand, citizens are guaranteed fundamental right of speech, right to assemble for the purpose of carrying peaceful protest processions and right of free movement, on the other hand, reasonable restrictions on such right can be put by law. Provisions of IPC and CrPC, discussed above, are in the form of statutory provisions giving powers to the State to ensure that such public assemblies, protests, dharnas or marches are peaceful and they do not become “unlawful”. At the same time, while exercising such powers, the authorities are supposed to act within the limits of law and cannot indulge into excesses. How legal powers should be used to disperse an unruly crowd has been succinctly put by the Punjab and Haryana High Court in *Karam Singh v. Hardayal Singh* [*Karam Singh v. Hardayal Singh*, 1979 Cri LJ 1211 : 1979 SCC OnLine P&H 180] wherein the High Court held that three prerequisites must be satisfied before a Magistrate can order use of force to disperse a crowd: First, there should be an unlawful assembly with the object of committing violence or an assembly of five or more persons likely to cause a disturbance of the public peace. Second, an Executive Magistrate should order the assembly to disperse. Third, in spite of such orders, the people do not move away.” (Emphasis supplied)*

And held that the right to hold peaceful demonstration can be traced to the fundamental freedom that is guaranteed under Articles 19(1)(a), 19(1)(b) and 19(1)(c) of the Constitution of India.

10. Now coming to the facts of the case, undisputedly the petitioners are the responsible leaders of Bharatiya Janata Party.

At least one of them is the Hon’ble Minister of the union

government, two of them are Ex-Chief Ministers of the State of Jharkhand itself and many of them were/are Hon'ble members of Parliament and the members of legislative assembly and further some of them are the responsible office bearers of the Bharatiya Janata Party. In the case of **Javed Ahmad Hajam Vs. State of Maharashtra & Another**, reported in (2024) 4 SCC 156, the Hon'ble Supreme Court of India has reiterated the settled principle of law that the right to dissent, peacefully protest against and criticize Government Decisions, in legitimate and lawful manner to be the integral and essential part of democracy in view of Article 19(1) and Article 21 of the Constitution of India. For a healthy and vibrant democracy, involvement of people and political party in exercise of franchise itself is not sufficient. The political parties particularly, the political party in the opposition is expected to raise the issues involving the people by holding rallies, protests and demonstrations for a healthy democracy.

11. Now coming to the facts of the case, so far as the offence punishable under Section 191 (2) & (3) of the Bharatiya Nyaya Sanhita are concerned, the same provides for punishment for rioting and rioting being armed with deadly weapons or anything which used as a weapon of offence is likely to cause death. In order to constitute the offence of rioting, the essential ingredients are:-

- (i) There must be an unlawful assembly.

- (ii) Force or violence is used by an unlawful assembly in prosecution of common object of the assembly.

The essential ingredients to constitute an unlawful assembly are that there should be common object to commit an offence or to achieve any one of the objects enumerated in Section 189 of the Bharatiya Nyaya Sanhita. The only allegation against the petitioners is that the petitioners exhorted the persons who assembled in the rally, admittedly for which permission was accorded by the administration, for making a Gherao of the Residence of Hon'ble the Chief Minister of Jharkhand. As has rightly been submitted by the learned counsel for the petitioners, making a Gherao of the Residence of Hon'ble the Chief Minister in the absence of any prohibitory order is, in itself not an offence, rather it is part of democratic process. The Hon'ble Chief Minister is a representative of the people and he has been elected by the people and he has to act for the people but the Administration, it appears, apparently to prevent any untoward incident took the decision to confine the members who were participating in the rally within a radius of 500 metre from the "Morhabadi Maidan" which is undisputedly at a considerable distance away from the Residence of Hon'ble the Chief Minister of Jharkhand and the police set up three layers of barriers. The persons participating in the rally managed to cross two out of three barriers by cutting barbed wires with wire cutters and before they could cross the third barrier and proceed towards the residence of Hon'ble the

Chief Minister, police used force by using water cannon, tear gas, stun guns and stun grenade and the persons who participated in the rally fled away. There is no material in the record to suggest that the Executive Magistrate ever ordered the persons present at the place of occurrence to disperse as is required and held in the case of **Anita Thakur and Others. Vs. Government of Jammu & Kashmir (supra)** by the Hon'ble Supreme Court of India. This in the considered opinion of this Court cannot be termed as an unlawful assembly, in the absence of any ingredient to show the common object of the petitioners to commit any offence or to achieve any object enumerated in Section 189 of the Bharatiya Nyaya Sanhita. It is needless to mention that the administration has lodged the F.I.R. against the top leaders of the political party including the Hon'ble Central Minister for State in the Ministry of Defence, Government of India, at least two Ex-Chief Ministers of the State of Jharkhand. So it is needless to mention that in their over zealousness to put the leaders of the opposition to trouble and to stifle the voice of the opposition, the F.I.R. has been drafted with skill and dexterity but this is a case where the Court can read between the lines, as to find out actually what happened at the alleged place of occurrence as has been held in the case of **Mahmood Ali and Others Vs. State of Uttar Pradesh and Others (supra)** and under such circumstances, this Court is of the considered view that this is a case where the offence punishable under Section 191 (2) or (3) against any of the petitioners are not

made out or for that matter, the offence punishable under Section 190 of the Bharatiya Nyaya Sanhita is not made out in the absence of there being any unlawful assembly involving the petitioners in the absence of any specific allegation against them; when undisputedly the assembly was with the permission of the administration.

12. So far as the offence punishable under Section 115(2) of the Bharatiya Nyaya Sanhita is concerned, this Court after going through the materials in the record finds that there is no allegation against any of the petitioners of causing any hurt to anybody, hence even if the entire allegation made in the F.I.R. are considered to be true against the petitioners, the offence punishable under Section 115(2) of the Bharatiya Nyaya Sanhita is not made out against any of them.

13. So far as the offence punishable under Section 117(2) of the Bharatiya Nyaya Sanhita is concerned, there is also no allegation against any of the petitioners of voluntarily causing any grievous hurt to anybody and there is no material in the record to suggest that anybody has sustained any grievous hurt in the alleged occurrence. Therefore, this Court is of the considered view that even if the entire allegations made in the F.I.R. are considered to be true in their entirety, still the offence punishable under Section 117(2) of the Bharatiya Nyaya Sanhita is not made out against any of the petitioners.

14. So far as the offence punishable under Section 109 of the Bharatiya Nyaya Sanhita is concerned, the same provides for punishment for attempt to murder, this Court is of the considered view that even if the entire allegations made in the F.I.R. are considered to be true in their entirety, still the offence punishable under Section 109 of the Bharatiya Nyaya Sanhita is not attracted against any of the petitioners and the incorporation of the same in the F.I.R. is unnecessary and uncalled for.
15. So far as the offence punishable under Section 121(1) of the Bharatiya Nyaya Sanhita is concerned, the same provides for punishment of voluntarily causing hurt or grievous hurt to deter public servant from discharging their duty. As already discussed above, the allegations against the petitioners are insufficient to suggest that the petitioners were members of any unlawful assembly and in the absence of any direct allegation against them of having caused hurt or grievous hurt to any public servant, the offence punishable under Section 121(1) of the Bharatiya Nyaya Sanhita is not made out against any of them.
16. So far as the offence punishable under Section 125 of the Bharatiya Nyaya Sanhita is concerned, the same provides for punishment for any act rashly or negligently done to endanger human life or personal safety of others. As already discussed above, there is no allegation against any of the petitioners of endangering the life or personal safety of others by doing any act rashly or negligently. Hence, the offence punishable under Section

125 of the Bharatiya Nyaya Sanhita is also not made out against any of the petitioners.

17. So far as the offence punishable under Section 132 of the Bharatiya Nyaya Sanhita is concerned, the same provides for punishment for assault or use of criminal force to any person being the public servant in exercise of his duty with intent to prevent or deter that person from discharging his duty as such public servant. But as already indicated above, there is no allegation against any of the petitioners of assaulting or using criminal force to any public servant. In the absence of that, even if the entire allegations made against the petitioners are considered to be true, still the offence punishable under Section 132 of the Bharatiya Nyaya Sanhita is not made out.
18. So far as the offence punishable under Section 324(2) of the Bharatiya Nyaya Sanhita is concerned, the same provides for punishment for mischief and mischief occurs when a person with intent to cause or knowing that he is likely to cause wrongful loss or damage to public or to any person, causes destruction of any property etc.
19. Now coming to the facts of the case, there is no allegation against the petitioners of causing any wrongful loss or damage to anybody, hence this Court is of the considered view that the offence punishable under Section 324(2) of the Bharatiya Nyaya Sanhita is not made out against the petitioners.

20. So far as the offence punishable under Section 351(2) of the Bharatiya Nyaya Sanhita is concerned, the same provides for punishment for criminal intimidation. Now coming to the facts of the case, there is no allegation against the petitioners of threatening anyone with intent to cause alarm so that the person intimidated or anyone else to do any act, that person is legally not bound to do or omit to do any act which that person is legally entitled to do. Hence, the offence punishable under Section 351(2) of the Bharatiya Nyaya Sanhita is not made out against any of the petitioners, even if the entire allegations made against them are considered to be true in their entirety.
21. So far as the offence punishable under Section 352 of the Bharatiya Nyaya Sanhita is concerned, the same provides for punishment for intentional insult with intent to provoke breach of peace. In the absence of any allegation against any of the petitioners of intentionally insulting in any manner and thereby giving provocation to any person intending or knowing it to be likely that such provocation will cause him to break public peace or any other offence, the offence punishable under Section 352 of the Bharatiya Nyaya Sanhita is also not made out against any of the petitioners, even if the entire allegations made against them are considered to be true in their entirety.
22. So far as the offence punishable under Section 61(2) of the Bharatiya Nyaya Sanhita is concerned, the same provides

punishment for criminal conspiracy. The essential ingredients to constitute criminal conspiracy are:-

- (i) An agreement between two or more persons to commit an offence.
- (ii) In doing so, the accused either did or caused to be done
 - (a) Any illegal act or;
 - (b) An Act which is not in itself illegal, by illegal means
 - (c) Such an act done or caused to be done was an offence punishable under the Indian Penal Code
 - (d) If the act so done was not an offence, then an overt act has been done by one or more parties to such agreement in pursuance thereof.

23. It is a settled principle of law that when meeting of mind of the alleged conspirators is not there, there cannot be any conviction under Section 120B of the Indian Penal Code which corresponds to Section 61 of the Bharatiya Nyaya Sanhita, as has been held by the Hon'ble Supreme Court of India in the case of **Sherimon Vs. State of Kerala**, reported in **(2011) 10 SCC 768**.

24. Now coming to the facts of the case, in view of the discussions already made above, this Court is of the considered view that there is insufficient material to suggest any meeting of mind or

any conspiracy by any of the petitioners. Therefore, this Court is of the considered view that this is not a case where Section 61(2) of the Bharatiya Nyaya Sanhita can be pressed into service to array any of the petitioners for the offences, if any, like stone pelting having been committed by someone else at the time of the occurrence. More so, when there is no allegation against any of the petitioners of pelting any stone. There is no allegation that anyone was hurt by pelting of any stone. There is no allegation that the petitioner did any overt or covert act for occurrence of any offence punishable in law. Hence, in view of the discussions made above, as none of the offences for which the F.I.R. has been registered is made out against any of the petitioners, even if the entire allegations made against them are considered to be true in their entirety, therefore, this Court is of the considered view that continuation of this criminal proceeding in connection with Lalpur P.S. Case No. 203 of 2024 will amount to abuse of process of law. Hence, this is a fit case where the F.I.R. being Lalpur P.S. Case No. 203 of 2024 along with the entire criminal proceeding, pending in the court of learned Judicial Magistrate, Ranchi be quashed and set aside *qua* the petitioners only.

25. Accordingly the F.I.R. being Lalpur P.S. Case No. 203 of 2024 along with the entire criminal proceeding, pending in the court of learned Judicial Magistrate, Ranchi is quashed and set aside *qua* the petitioners only.

26. Both the writ petitions are allowed accordingly.

27. In view of disposal of these writ petitions, the interim relief granted earlier in the respective cases are vacated.
28. Consequently, the interlocutory applications are disposed of being infructuous.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated the 17th March, 2025
AFR/Sonu-Gunjan/-