

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No. 3373 of 2025

1. S. Kumar Yadav @ Yash Kumar Yadav, aged about 38 years, S/o Late Hira Prasad Yadav
 2. Asha Devi, aged about 50 years, W/o Padarath Yadav
 3. Sunita Devi, aged about 36 years, W/o S. Kumar Yadav @ Yash Kumar Yadav
- All R/o Padhuwa, P/O- Banka, P.S.- Meral, Dist.- Garhwa, Jharkhand Petitioners
- Versus
- The State of Jharkhand Opposite Party

For the Petitioners : Mr. Surendra Pd. Sinha , Adv.
For the State : Ms. Kumari Rashmi, Addl. PP

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 528 of BNSS with the prayer for quashing and setting aside the entire criminal proceeding in connection with Meral P.S. Case no. 36 of 2010 corresponding to G.R. case no. 514 of 2010 as well as the order dated 25.08.2010 whereby and whereunder, cognizance of the offence punishable under Sections 147, 148, 149, 323, 324, 302, of IPC as well as the Section 3/4 of the Prevention of the Witch (Daain) Practices Act, has been taken by the learned Chief Judicial Magistrate, Garhwa consequent upon the submission of the charge sheet, against them but the petitioners are absconding for 15 years and have not yet appeared before the trial court.
3. It is submitted by learned counsel for the petitioners that since the co-accused persons, who faced the trial, have been acquitted vide the judgment dated 20.04.2012 passed in S.T. case no. 242 of 2011 by learned Additional Sessions Judge, II, Garhwa, hence, it is

submitted that the prayer as made in this criminal miscellaneous petition be allowed.

4. Learned Addl. PP on the other hand vehemently oppose the prayer of the petitioners and submit that since the petitioner never faced the trial, the question of evidence being adduced against the petitioners, does not arise in the trial of the co-accused persons, so merely because the co-accused persons, were acquitted, that is not a ground to quash the entire criminal proceeding against the petitioners, more so, when the petitioners are absconding for more than one and half decade, hence, it is submitted that this Criminal Miscellaneous Petition being without any merit, be dismissed.
5. Having heard the submissions made at the Bar and after going through materials available in the record, it is pertinent to mention here that as has rightly been submitted by learned Additional PP that there was no scope for the prosecution to adduce evidence against the petitioners in the trial of the co-accused persons, which trial was not faced by the petitioners, hence, merely because the co-accused person has been acquitted, that is not a ground to quash the entire criminal proceeding against the petitioners.
6. Accordingly, this Criminal Miscellaneous Petition being without any merit is dismissed.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated, the 25th November, 2025
Smita / AFR

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