

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr.M.P. No. 3422 of 2023

Indranil Chatterjee, Age about 47 Years, S/O Late Ranjit Kumar Chatterjee Resident of Kalpara, P.O. & P.S. Pakur (T), Dist- Pakur, Jharkhand. Petitioner

Versus

1. The State of Jharkhand
2. Tuhin Kumar Trivedi, S/O Prabhat Kumar Trivedi, Resident of Rajapara, P.O. Pakur (Main Post Office) P.S. Pakur (T) Dist- Pakur, Jharkhand Opposite Parties

For the Petitioner : Mr. A.K.Sahani , Adv.
For the State : Mr. Shailesh Kr. Sinha, Addl. PP
For the opp. party no. 2 : None

P R E S E N T

HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

By the Court:- Heard the parties. Though notice was validly served upon the opp. party no. 2, but no one turns up on behalf of the opp. party no. 2 in spite of repeated calls.

2. This criminal miscellaneous petition has been filed invoking the jurisdiction of this Court under Section 482 of CrPC with the prayer for quashing and setting aside the entire criminal proceeding as well as the order dated 05.12.2022 in connection with Complaint Case no. 341 of 2021 by which learned CJM, Pakur has found the *prima facie* case for the offence punishable under Section 506 of IPC.
3. The brief facts of the case is that on 25.10.2021, when both the petitioner and the complainant -opp. party no. 2 ,who were the rival parties in the case before the court of the Deputy Commissioner, Pakur were present in the court premises, the petitioner pointed a revolver for firing upon the complainant. The complainant somehow taking advantage of the rush, hid himself behind some cars, saved himself and captured the photographs of

the petitioner with the camera of his mobile phone. The threatening was given by the petitioner to cause the victim -opp. party no. 2 -complainant not to pursue his case. On the basis of the complaint, the statement of the solemn affirmation, the statement of the enquiry witnesses, learned CJM, Pakur has found the *prima facie* case for the offence punishable under Section 506 of IPC.

4. Learned counsel of the petitioner relied upon the judgment of the Hon'ble Supreme Court of India in the case of the **Vikram Johar vs. The State of Uttar Pradesh and Another** reported in **2019 14 SCC 207**, para 25 of which reads as under:-

25. *Now, reverting back to Section 506, which is offence of criminal intimidation, the principles laid down by Fiona Shrikhande [Fiona Shrikhande v. State of Maharashtra, (2013) 14 SCC 44 : (2014) 1 SCC (Cri) 715] has also to be applied when question of finding out as to whether the ingredients of offence are made or not. Here, the only allegation is that the appellant abused the complainant. For proving an offence under Section 506 IPC, what are the ingredients which have to be proved by the prosecution? Ratanlal & Dhirajlal on Law of Crimes, 27th Edn. with regard to proof of offence states the following:*
"... The prosecution must prove:
(i) That the accused threatened some person.
(ii) That such threat consisted of some injury to his person, reputation or property; or to the person, reputation or property of someone in whom he was interested;
(iii) That he did so with intent to cause alarm to that person; or to cause that person to do any act which he was not legally bound to do, or omit to do any act which he was legally entitled to do as a means of avoiding the execution of such threat."
(emphasis supplied)

and submits that a plain reading of the allegations in the complaint does not satisfy all the ingredients as noticed above. It is submitted by learned counsel for the petitioner that there is no allegation against the petitioner that the threat was intended to cause alarm to the complainant, or to cause the complainant to do any act which he is not legally bound to do, or to omit to do any act which the complainant is legally entitled to do, as the means of avoiding the execution of such threat, hence, it is submitted that even if the entire allegations made against the petitioner are considered to be true in their entirety, still the offence punishable under Section 506 of the IPC is not made out. It is lastly submitted

that the prayer prayed for by the petitioner in this criminal miscellaneous petition be allowed.

5. Learned Addl. PP on the other hand opposes the prayer of the petitioner and submits that there is direct and specific allegation against the petitioner of threatening to kill the complainant by firing upon him and he did so, with an intent to cause alarm to the victim as well as to cause the victim –complainant-opp. party no.2, to not to proceed with the case, to which he was legally entitled to do. Hence, it is submitted that there is no illegality on the part of learned CJM, Pakur in finding *prima facie* case for the offence punishable under Section 506 of IPC. It is further submitted that the fact of this case is entirely different from the facts of the case of **Vikram Johar vs. The State of Uttar Pradesh and Another (supra)**, as in that case, the accused persons fled away from the place of occurrence; but in this case there is allegation against the accused person of pointing the revolver at the victim for firing. It is lastly 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 materials available in the record, it is pertinent to mention here that there is direct and specific allegation against the petitioner of pointing revolver to the victim in order to fire upon him, so that the victim will not pursue his case. This, in the considered opinion of this Court is sufficient to constitute the offence punishable under Section 506 of IPC. Additionally, the undisputed fact remains that the act of petitioner has been captured by the complainant by taking photograph at the relevant time. It is a settled principle of law that the High Court in exercise of its power under Section 482 of CrPC, shall not stifle with a genuine prosecution at the nascent stage, as has been held by the Hon'ble Supreme Court of India in the case of **Monica Kumar (Dr.) and another v. State of Uttar Pradesh and others.**, reported in (2008) 8 SCC 781.

7. Under such circumstances, this Court is of the considered view that there is no justifiable reason to accede to the prayer made by the petitioner in this criminal miscellaneous petition in exercise of its power under Section 482 of CrPC.
8. Accordingly, this Criminal Miscellaneous Petition being without any merit is dismissed.

(Anil Kumar Choudhary, J.)

High Court of Jharkhand, Ranchi
Dated, the 9th July, 2025
Smita / AFR