
(2025) 05 JH CK 1184
In the Jharkhand High Court
Case No : Cr.M.P. No. 2333 Of 2023

Ramtahal Kansi @ Ram Tahal Kasi

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 05-05-2025

Acts Referred:

Code of Criminal Procedure, 1973 — Section 482
Indian Penal Code, 1860 — Section 323, 379, 461, 467, 498A
Prevention of Witch (Daain) Practices Act, 2001 — Section 3, 4

Citation : (2025) 05 JH CK 1184

Hon'ble Judges : Anil Kumar Choudhary, J

Bench : Single Bench

Advocate : Anil Kumar Ganjhu, Abhay Kr. Tiwari, Durga Charan Mishra, Abhijeet Anand

Final Decision : Dismissed

Judgement

Anil Kumar Choudhary, J

1. 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 a prayer to quash the entire criminal proceeding including the order taking cognizance dated 24.08.2022, passed by the learned Judicial Magistrate -1st Class, Gumla, in connection with Complaint Case No. 246 of 2022.

3. The allegation against the petitioners is that the petitioners being the relatives of the husband of the complainant, treated the complainant with cruelty by harassing her with a view to coercing her for meeting the unlawful demand of dowry and by their willful conduct of such a nature as it likely to drive the victim-complainant to commit suicide and cause hurt to the health of her. There is specific allegation against the petitioners that the petitioners used to call the victim a barren lady and they were demanding an Alto Car to be brought by the

complainant. They were cursing the complainant for not bringing enough property in dowry. After the death of the husband of the complainant, the petitioners called the complainant a Daain (Witch) and alleged that she has eaten up her husband. At the time of Shradh rituals of the husband of the complainant, the petitioners complained to the guests that the complainant is a Daain (Witch). The complainant who was under shock after the death of her husband was terribly hurt by such taunting of the petitioners and her life became dark. The petitioners committed theft of Rs.7,00,000/- kept in a box and the gold and silver jewelries of the complainant worth Rs.20,00,000/- from the room of the complainant in their house. The petitioners harassed the complainant by locking the bathroom and not allowing to use the same. The petitioners by adopting forgery have taken away the money which was standing in the name of the complainant and her deceased husband in various banks. The petitioners have also defrauded the complainant by taking her money and hiding the properties of her husband. The learned Magistrate on the basis of the complaint, statement of the complainant under solemn affirmation and statement of the inquiry witnesses found prima-facie case for the offences punishable under Section 498A/379/323/467/461 of the Indian Penal Code and under Section 3/4 of the Prevention of Witch (Daain) Practices Act.

4. It is submitted by the learned counsel for the petitioners that the allegations against the petitioners are false and there is delay in lodging the complaint. Hence, it is submitted that the prayer as prayed for by the petitioners in this criminal miscellaneous petition be allowed.

5. The Learned Addl. P.P. and the learned counsel for the opposite party no.2 on the other hand vehemently opposes the prayer as prayed for by the petitioners in this criminal miscellaneous petition and submits that in view of direct and categorical allegations against the petitioners being the relatives of the husband of the complainant having treated her with cruelty by harassing her in connection of demand of dowry of an Alto Car being not made by the complainant and committing forgery of various documents and also committed theft of cash and valuable gold and silver jewelries of the complainant and have also committed the offences punishable under Section 3/4 of the Prevention of Witch (Daain) Practices Act by calling the complainant a Daain unnecessarily and knowing the same to be false, only to deprive her from her property. Hence, it is submitted that there is no justifiable reason to allow the prayer as prayed for by the petitioners in this criminal miscellaneous petition. Hence, it is submitted that this criminal miscellaneous petition being without any merit be dismissed.

6. Having heard the rival submissions made at the Bar and after carefully going through the materials available in the record, it is pertinent to mention here that there is direct and specific allegation against the petitioners of being relatives of the husband of the complainant have treated the complainant with cruelty in connection of demand of dowry by harassing her, by calling her a barren lady, by depriving her to use the washroom by locking the washroom, by calling her a

Daain (Witch) and by creating false documents to withdraw the money of the complainant and her husband kept in different banks.

7. Under such circumstances, this Court is of the considered view that there is ample material in the record to constitute the offence for which the learned Magistrate has found prima facie case, therefore, there is no justifiable reason to quash the entire criminal proceeding or the order taking cognizance in connection with Complaint Case No. 246 of 2022.

8. Accordingly, this criminal miscellaneous petition being without any merit is dismissed.