

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**Cr.M.P. No. 1759 of 2021**

1. Nilu Lohra  
2. Pradeep Singh ..... .. Petitioner

Versus

The State of Jharkhand ..... .. Opposite Party

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**CORAM : HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI**  
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For the Petitioner : Mr. Avishek Prasad, Advocate  
For the State : Mr. Vishwanath Roy, A.P.P.  
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**02/ 08.09.2021** Heard Mr. Avishek Prasad, learned counsel appearing for the petitioners and Mr. Vishwanath Roy, learned counsel appearing for the State.

2. This petition has been heard through Video Conferencing in view of the guidelines of the High Court taking into account the situation arising due to COVID-19 pandemic. None of the parties have complained about any technical snag of audio-video and with their consent this matter has been heard.

3. This criminal miscellaneous petition has been filed for quashing of the order dated 23.07.2021, by which, process under Section 82 Cr.P.C. has been directed to be issued against the petitioners, in connection with Namkum (Kharsidag) P.S. Case No. 156 of 2021, pending in the Court of learned Additional Judicial Commissioner-IV-cum-Special Judge POCSO, Ranchi.

4. Learned counsel appearing for the petitioners submits that the FIR was lodged on 21.06.2021 and Non-bailable warrant of arrest has been issued on 02.7.2021 and process under Section 82 Cr.P.C. has been directed to be issued against the petitioners on 23.07.2021. He further submits that the impugned order is cryptic in nature, as there is no indication of date, place and time in the ordersheet and also there is no satisfactory satisfaction of the learned Court below.

5. Mr. Vishwanath Roy, learned counsel appearing for the State submits that the crime of the petitioners is very heinous and looking to the nature of the offence, this Court may not interfere in the matter.

6. On perusal of the said order, it transpires that parameters of Section 82 Cr.P.C. has not been followed and process under Section 82 Cr.P.C. has been directed to be issued against the petitioners. There is no indication of Form-IV Cr.P.C., which is statutory in nature, as held by this court in *Md. Rustam Alam @ Rustum & Ors. V. The State of Jharkhand*, reported in **2020 (2) JLJR 712**.

7. In that view of the matter, the impugned order dated

23.07.2021, by which, process under Section 82 Cr.P.C. has been directed to be issued against the petitioners, in connection with Namkum (Kharsidag) P.S. Case No. 156 of 2021, pending in the Court of learned Additional Judicial Commissioner-IV-cum-Special Judge POCSO, Ranchi, is hereby, quashed.

8. The petitioner is directed to appear before the concerned Court on or before 23.09.2021.

9. If the petitioner will not appear on or before 23.09.2021, before the concerned Court, the Court will take all the coercive action against the petitioner.

10. With the aforesaid observation and direction, this criminal miscellaneous petition is disposed of

**(Sanjay Kumar Dwivedi, J.)**

*Amitesh/-*